

# National Civic Review

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- **Surveys, Dust, Action**

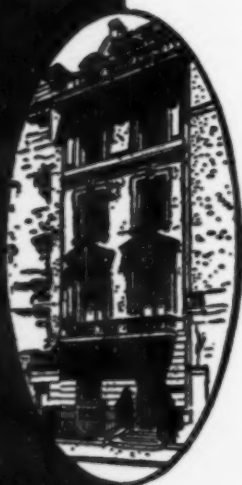
*Daniel R. Grant and Lee S. Greene*

- **How the Vote Is Bought**

*A Kentucky Legislator*

- **New Urban Challenge**

*Richard H. Leach*



**67th Annual  
National Conference  
on Government**

**November 30 - December 2**

**Hotel Fontainebleau  
Miami Beach, Florida**

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# National Civic Review

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## News of the League

# Workshops to Tackle Problems

Experts on the problems of metropolitan areas will lead the workshop sessions of the 67th National Conference on Government in Miami Beach, November 30 to December 2.

The special theme of the 1961 Conference is "Teamwork Among Governments: Road to Urban Progress." This is the second in a cycle of three conferences built around the over-all theme: "The American System: Web of Governments."

Particular stress will be placed upon the roles of the several levels of government in dealing with the problems of urban areas. Robert H. Connery, professor of political science at Duke

for states in dealing with metropolitan problems.

The workshop designed to consider the legal basis of local government will review key issues in state-local relations and "home rule." The keynote speaker will be Francis Bergan, presiding justice of the Appellate Division (3rd Department), New York State, and former vice chairman of the New York Commission on Revision and Simplification of the Constitution.

Pressing problems of transportation, urban renewal and economic development will each be the subject of a Conference workshop. Lyle C. Fitch, president of the Institute of Public



Francis Bergan



George Deming



James E. Lash



John H. Nixon



Lyle C. Fitch

University and co-author of *The Federal Government and Metropolitan Areas*, will make the opening presentation at the workshop on "Metropolitan Areas: The Federal Government's Concern."

At the session dealing with the state's concern, Allen D. Manvel, research associate of the Advisory Commission on Intergovernmental Relations and former chief of the Governments Division of the Bureau of the Census, will present a proposed program of action

Administration and former New York City administrator, will keynote the transportation workshop; James E. Lash, executive vice president of ACTION, Inc., the session on urban renewal; and John H. Nixon, director of the Area Development Staff, Committee for Economic Development, the economic development workshop.

In meeting the demands of changing urban areas, three fundamental considerations are involved: planning fu-

(Continued on page 519)

## Experts to Screen All-America Entries

More than 250 application blanks have been requested by civic leaders, Leagues of Women Voters, Chambers of Commerce and other organizations desiring to enter their communities in the 1961 All-America Cities competition.

Nominations for this highly coveted award closed October 3. Later this month a screening committee composed of prominent civic and governmental experts will review all completed entries and select 22 cities which will be invited to present their cases before the All-America Cities jury that meets during the National Conference on Government at the Hotel Fontainebleau in Miami Beach, Florida, November 30-December 2.

The jury will choose the eleven-member 1961 All-America team of winning cities. As in previous years, Dr. George H. Gallup, chairman of the League's Council and director of the American Institute of Public Opinion, will serve as foreman of the jury.

After final investigation, the names of the winning communities will be announced jointly in the early spring by *Look Magazine* and the National

Municipal League, cosponsors of the contest.

This is the thirteenth consecutive year of the internationally famous competition. Past recipients of the award have come from 40 different states and from the commonwealth of Puerto Rico.

### Special Off-Season Rates At Hotel Fontainebleau

For the National Conference on  
Government

November 30 - December 2

Single Occupancy	\$12
Single or Double	\$14; \$16; \$18; \$22
Parlor—one bed- room	\$38 and \$45
Parlor—two bed- rooms	\$75
Third person in room	\$5

Make reservations directly with  
Hotel Fontainebleau, Miami Beach.

Mention attendance at Con-  
ference.

View of the Fontainebleau Hotel, site of the 67th annual National Conference on Government, showing extensive beach which will be open to Conference-goers at no extra charge.





# NATIONAL CIVIC REVIEW

October 1961

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## Editorial Comment

### The Courage to Plan

**T**HREE governors met August 30 and quietly launched a research project that could change the future of the nation's largest metropolis.

A study of transportation in the New York-New Jersey-Connecticut metropolitan region has been initiated by the governors. Continuing intergovernmental cooperation for transportation is anticipated.

New York City's planning commission chairman will join state highway, public works and economic development officials on the study's directing committee. Representatives of the U. S. Bureau of Public Roads and Housing and Home Finance Agency have been invited to join the group and local officials will be asked to advise.

Throughout the governors' statement, emphasis was placed on coordinated planning for both passenger and freight transportation including air, water, rail and road, both public and private.

With highways in many parts of the region already clogged, with a major commuter railroad in bankruptcy and hard put to meet weekly payrolls, with another being operated under state legislation as a development corporation, with a large percentage of subway and commuter cars obsolete and many poorly maintained, with some rail lines and ferries pressing to be allowed to go out of business, it is a brave governor who will recommend "another" study. But in this case it is wise as well as brave.

To the average New Yorker it will look like stalling—just one more in

a series of studies of the same old problems. In fact, no intelligent action could be taken without the answers to many questions:

- Can some or all of the present rail lines be integrated for improved and more economical service?
- Can buses be used more extensively for commuting?
- Will future residential, industrial and commercial plans make public transportation more suitable or less?
- Will better public transportation reshape the region? If so, in a more attractive way or less?
- Will new technology sharply change the attractiveness and costs of different forms of transportation?
- What combination of cost and service do residents want in transportation, both for commuting and off-hour use?

Since transportation decisions—locating new highways, buying new rail cars, building a new airport—are long-term decisions initiating tremendous capital investment, trial and error is not a suitable basis for policy. And the costs of transportation investment are only a minor part of the total effect of these decisions; effects on land use are even more costly.

It was therefore prudent for the governors to stop briefly before taking necessary action to keep the New York metropolis vibrant. It was also statesmanlike since governors ordinarily must prefer to act rather than plan. They have only a brief

term in which to build a visible record.

The governors' decision also reflects credit on the planning agencies in the region. They got their message across. Regional Plan Association, in particular, a civic group working for coordinated land planning in the tri-state area, has been pointing to unanswered transportation questions for a decade or more and for the past several years calling for just such a study to assess the impact on

the region's land of future transportation patterns.

The long-range vision fostered by planning groups has somehow reached the action-oriented political leaders. This combination will serve the New York area well.

In every metropolitan area, large and small, this combination is required if the problems of the changing urban scene are to be dealt with effectively.

## As a Visitor Sees Us

THE attitudes of municipalities toward each other in this country are hard to reconcile with "the delightful friendliness, hospitality and open handedness" characteristic of Americans, the editor of *The Municipal Journal*, the British weekly, stated in an interview with the *Washington Post-Times Herald*.

The editor, Maurice E. Hedges, attended the World Conference of Local Governments held by the State Department this week, and has written his impressions for early publication in his magazine. Mr. Hedges cited as an example the fact that prosperous Signal Hill, California, surrounded by the city of Long Beach and rich in oil wells, while having no debt of its own makes no financial contribution to Long Beach and sees no reason why it should do so.

In contrast Editor Hedges cited the case of Westminster, one of London County's 28 boroughs. Westminster is "supremely wealthy, full of offices, theatres, cinemas and shops" and its city council is "extremely conservative," he said. Yet

every year it pays into an equalization fund about \$6 million in taxes to hold down the local tax rate in the poorer boroughs, which in many cases are strongly Socialist.

The 78-member British delegation to the conference was impressed with the American city manager system and Mr. Hedges predicts that, in consequence, its "best aspects" may be adopted in Britain.

### *The Weekly Bond Buyer*

After his return to London, Mr. Hedges wrote editorially: "British delegates to the IULA conference in Washington, D. C., returned home this weekend, many of them impressed by what they had heard and seen in America's city manager system. This week they have had the opportunity of seeing it in action in Washington's environs and of discussing it in the home background of individual American officials. . . . These experiences have led many to think of the possibility of adopting some variant of the city manager system to free councillors of excessive working detail.

# Surveys, Dust, Action

Court cites 1952 study in upholding Nashville annexation of 82,000 persons, 43 square miles.

BY DANIEL R. GRANT AND LEE S. GREENE\*

THE Supreme Court of Tennessee recently took the somewhat surprising step—to political scientists, at least—of taking “judicial notice” of a 1952 metropolitan survey report<sup>1</sup> and by so doing ended a 34-year deep freeze of Nashville’s city boundaries and validated the annexation of some 82,000 persons and 43 square miles to the city. To hardened political scientists, accustomed to much talk about survey “dust-gathering on the shelves” and inclined to be disappointed disaster-predictors for reform proposals, perhaps the case of Nashville will serve as a reminder that the world does move, reports do have an impact and reforms do take place.

The authors of this article have participated actively from time to

time in the struggles to reform the Nashville metropolitan area’s government. In a day when the role and significance of the multiplying metropolitan studies are being examined and questioned, a ten-year case history of one such study and its aftermath in metropolitan Nashville may provide aid and comfort to those elsewhere concerned about governing the metropolis.

The Nashville metropolitan area is not one of the larger or more complicated areas and is not likely to be. It may be considered medium-sized with its 394,000 population. But it has the common characteristics of metropolitan communities: a central city on the decline, a loosely organized county, a rapidly expanding but inadequately serviced suburban area riding on the central city taxpayers to some degree, an increasing number of suburban municipalities and special purpose districts, plus a general inequitable distribution of the tax burden.

Nashville in 1950 was like the larger metropolitan cities in its complete failure to annex the suburban fringe areas which the automobile helped to build in the ’30s and ’40s. But Nashville was different from such hemmed-in cities as Boston, Chicago or San Francisco in that the opportunity remained for reasonably large annexations. The suburban area was still predominantly unsewered and, with a soil poorly

\* Dr. Grant is associate professor of political science at Vanderbilt University. On leave from Vanderbilt in 1951-52 he acted as assistant director of the Community Services Commission for Davidson County and the City of Nashville and was special consultant for the City and County Planning Commissions in preparing the 1956 *Plan of Metropolitan Government* for Nashville and Davidson County. Dr. Greene, executive director of the Community Services Commission for Davidson County and the City of Nashville, is head of the Department of Political Science and director of the Bureau of Public Administration at the University of Tennessee. He was executive secretary of the Knoxville-Knox County Metropolitan Charter Commission of 1957-58.

<sup>1</sup> *A Future for Nashville, A Report of the Community Services Commission for Davidson County and the City of Nashville, Nashville, 1952.*

suited for septic tanks and a serious shortage of sewerage sites for new industry, both central city and suburbs agreed on one thing at least—*something* needed to be done about sewers. Community concern and agreement diminished greatly when it came to problems of inadequate suburban fire and police protection (private "subscription service"), the absence of suburban parks, libraries and street lights, and divided school, health, hospital and welfare systems.

\* \* \*

By 1950 Nashville had begun to show some interest in annexing outlying unincorporated urban portions adjacent to the city. At that time no adequate annexation law was on the statute books and the 1953 constitutional convention which substantially altered the fundamental law on special legislation was still in the future. As it was not clear what extensive annexation might do to the city and its finances, legislation was obtained which established the Community Services Commission for Davidson County and the City of Nashville, with funds supplied by the city and the county jointly.

The commission devoted over a year to a study of the local metropolitan governmental situation. Its report, *A Future for Nashville*, issued on June 1, 1952, recommended annexation by Nashville of substantially all the urban area surrounding the central city. This included some 90,000 persons in an area of 69 square miles. In addition, the commission recommended transfer to Davidson County of the Nashville functions of schools, health, welfare, and hospitalization for indigents, and constitutional provision for city

and county home rule. The report was unanimous and its recommendations received the hearty endorsement of both newspapers.

Other possible solutions were rejected. Some surprise may have been aroused by the failure of the commission to recommend city-county consolidation. In fact, such consolidation, although probably desirable, seemed inhibited by the legal impossibility of establishing differential tax rates as between the urbanized and farm areas. Without this differentiation, consolidation did not seem workable.

The report of the commission was widely distributed and much discussed. No action resulted at that time, however, except for the transfer of the public health and welfare functions to the county. The commission was due to disband and its members did not wish to assume the responsibility of pushing their report through to final action. No local organization stepped forward to assume leadership. The most feasible method of annexation was offered by special legislation altering the Nashville boundaries but this would have required the concurrence of local legislators elected by the entire county, and opposition to annexation, although not uniform throughout the area, was firm enough to prevent any legislative move in the 1953 General Assembly.

In the meantime, a statewide limited constitutional convention had been called. It convened in the spring of 1953, completed its work in the summer and its eight amendments to the constitution were subsequently ratified by popular vote. These amendments included three

which significantly altered the patterns of local government in the state. Amendment Six placed certain substantial limitation on the use of special legislation for local units. Amendment Seven provided a method of establishing municipal home rule but it also required that the legislature provide for municipal incorporation, dissolution and annexation by general law. At the time, this clause seemed to have attracted but little attention, although its implications proved important. And finally the convention adopted Amendment Eight which provided for the consolidation of any or all functions of the city and the county by means of concurrent majorities inside and outside the central city.

Amendments Six and Seven were rather sharply contested in the convention and went through several versions. On the whole the resulting drafts, while certainly not perfect, are fairly clear and well worked out. Amendment Eight, on the other hand, was adopted in the last days of the convention without much debate and with evidence of haste. It saddled the process of local governmental consolidation with the requirement of concurrent majorities, which could well be an insurmountable obstacle to action.

As special legislation was no longer available for annexations, the Tennessee Municipal League set to work to draft a general annexation law which it could support in the legislature. As subsequently passed by the General Assembly, this law completely changed the prospects for annexation over the entire state by establishing the principle of annexation of contiguous nonincor-

porated territory by municipal ordinance, subject to limited court appeal. This act, which so far has not been significantly changed, has been widely used by the major cities as well as by many small ones.

City-county consolidation had always been an attractive project to many Nashville leaders. Amendment Eight, since it could be interpreted to supersede earlier constitutional restrictions on differential tax rates, now seemed to open the door to city-county consolidation. The Davidson County and Nashville Planning Commissions initiated a study leading to a 1956 report recommending consolidation.<sup>2</sup>

\* \* \*

An act authorizing creation of a "Metropolitan Government Charter Commission" was drafted by Nashville leaders and subsequently enacted by the 1957 General Assembly implementing Amendment Eight. This act also was general in form, as was required by the amendment, but it applied only to the four cities having over 100,000 population.

Following this legislation, a ten-member Metropolitan Government Charter Commission was established in Nashville and Davidson County by vote of the city council and the county court. The commission completed the proposed charter on April 1, 1958, and a referendum date of June 17 was set. Solutions for some of the knottiest problems of city-county consolidation had already been devised in the original proposal and the enabling act made them mandatory on the commission.

<sup>2</sup> *Plan of Metropolitan Government for Nashville and Davidson County*, Nashville, October 1956.



One of these concerned the question of how to achieve a single county-wide government without taxing the more remote fringe areas long before urban services were ever received. The answer proposed was an expandable "urban services district" which would permit the single government to possess jurisdiction over the whole metropolitan community and its areas of potential growth, while at the same time working at the job of extending urban-type services to the already developed suburbs. A "general services district" included the whole county area and provided the basis for a tax differential for those residents receiving only certain designated area-wide services. One government would thus embrace two service districts, with a 21-member metropolitan council replacing the city and county governing bodies. An elective metropolitan mayor would assume the executive role.

\* \* \*

Much of the charter commission's time was devoted to working on civil service and pension problems, reallocation of city and county bonded indebtedness, transitional problems in the merger of the city and county school systems, districting of the metropolitan council and similar questions. The charter seemed to be free of flagrant pitfalls of the type that might have detracted from the basic issue of city-county consolidation. Within the context of political realism it was a well drafted charter.<sup>3</sup>

<sup>3</sup> For a more detailed analysis of the proposal, see Daniel R. Grant's "Government for Metropolis: A Nashville-Davidson County Proposal," *The University of Tennessee News Letter*, April 1958, page 1.

The proposed metropolitan charter was defeated in the 1958 referendum, receiving approval by voters inside the city of Nashville, 7,797 to 4,804, but being rejected by the suburban and rural voters of the county, 19,234 to 13,794.<sup>4</sup> Separate majorities were required, but in any case the aggregate vote did not provide a majority for the charter. The negative vote came as a shock to some, because the charter had the support of the two, normally opposing, daily newspapers, the *Tennessean* and the *Banner*, the Nashville Chamber of Commerce and the great majority of the business leadership, Nashville Trades and Labor Council, Tennessee Taxpayers Association, League of Women Voters and several other professional and civic groups. It had active support from the mayor and the county judge (the normally opposing heads of the two governments involved) and from the ten members of the charter commission, including two Negro leaders.

Active opposition to metropolitan government came principally from the suburban private fire and police companies, constables, about half the 51 county magistrates and 22 city councilmen, and most of the operators of small suburban business establishments. Some leadership and financial support for the opposition came from a Nashville banker, an auto dealer and an attorney. The success of the opposition may be attributed in large measure to a strong suburban and rural distrust and suspicion of the

<sup>4</sup> See the *NATIONAL MUNICIPAL REVIEW*, September 1958, page 399.



central city, effectively appealed to by a whirlwind, final week campaign playing on fear of higher taxes, "virtual mortgage on your home," and "bigger government."

This last-minute scare technique might not have been so effective if the proponents had not relied so heavily upon newspaper publicity and speeches before civic and professional clubs rather than upon precinct organization. As it turned out, the suburban club members (higher income, higher education groups) voted predominantly for metropolitan government and the suburban and rural non-club members (lower income, lower education groups) voted predominantly against it.

\* \* \*

During the three years which have passed since the defeat of the metropolitan government proposal, "metropolitics" has continued to be front and center on the local political stage. As some began to seek ways to bring about a new vote on city-county consolidation, and two more suburban cities incorporated, Nashville began its first major annexation moves since 1927. Although Mayor Ben West was publicly committed against annexations without a vote of the people affected, he approved the annexation late in 1958 of seven square miles of selected industrial and commercial territory without a referendum, on grounds that they were already receiving many city services and that industries as such cannot vote. This annexation was immediately tied up in a court suit testing its validity.

In late 1959 and early 1960, almost simultaneously, separate move-

ments got under way for both metropolitan government and large-scale annexation. A resolution to create a new metropolitan government charter commission was passed by the county governing body but was defeated in the city council. Following this defeat, two councilmen introduced a bill to annex without referendum four suburban areas totaling 43 square miles and 82,000 persons. In an unusual burst of speed the council passed the ordinance on three readings and overrode a veto by the mayor, all during the month of April 1960. Interpretations of the mayor's veto vary, but it seems clear that the veto would not have been overridden without an informal "green light" from the mayor to his normally controlling majority on the city council. The mayor was thus able, for the record, to claim adherence to his commitment to a referendum for residential annexations while succeeding in his desire to have "a great city of more than a quarter of a million people."

The city's position in the court test which followed was helped tremendously by a state Supreme Court decision in a different case<sup>5</sup> early in 1960 that where the "reasonableness" of the annexation is a fairly debatable issue the court must rule in favor of the legislative body authorized to make the annexation. Leaning heavily on this decision, the city won a quick demurrer in chancery court which said, in effect, that it would be a waste of time to hear arguments on reasonableness since it is only required that

<sup>5</sup> *Morton v. Johnson City*, 333 S.W. (2d) 924.

this be a debatable issue. A technical objection to the procedure for overriding the mayor's veto was also rejected.

On appeal to the state Supreme Court the attorneys for the plaintiffs objected to the failure of the lower court even to consider the question of reasonableness. Some observers thought the Supreme Court might send the case back for a hearing on reasonableness. The court sustained the annexation in March 1961, however, in an opinion devoted primarily to explaining the propriety of taking judicial notice of the 201-page report of the Community Services Commission. It found:

The conclusions and recommendations made are based upon detailed studies, analyses, population statistics, engineering studies of pollution of the source of water supply, surface contamination by septic tanks and outdoor privies, etc.—all factual matters supporting the conclusions. . . . It therefore seems to the court that the inescapable conclusion is that if this demurrer were overruled and the matter proceeded to proof, a lengthy and detailed adduction of evidence by both sides could only result at best in the finding by the court that a fairly debatable question is presented.<sup>6</sup>

\* \* \*

Although it required almost ten years to come to fruition, the ambitious annexation recommendation growing out of the 1952 study was in large measure carried out. Within six months after the final court decision nine new city councilmen had

been elected, bond issues had been approved to finance the new services, and Mayor West and his department heads had sponsored a series of nine "town meetings" in all sections of the annexed suburbs to explain to the new citizens what it means to be a part of "that mean old city" and to answer questions.

The consolidation recommendations in the 1952 study (transfer of functions to the county) still have a strong appeal, especially the consolidation of city and county school systems. Metropolitan government continues to be very much alive, although quite a bit of its support comes from anti-annexation groups. A private act of the 1961 legislature started the metropolitan ball rolling again in Nashville and Davidson County by calling for a referendum August 17 on establishment of a new Metropolitan Government Charter Commission. In a light but surprisingly favorable vote in both the city and county, the drafting of a new charter was approved. The opposition scarcely campaigned and the strong negative vote of 1958 was not duplicated. The vote was 11,096 to 3,730 inside Nashville and 7,324 to 3,848 outside the city.

Except for two vacancies filled by appointment of the mayor and county judge, membership on the new charter commission is the same as in 1958. The actual vote on consolidating the city and county will probably come in the summer of 1962. Whether the 1956 study leading to the proposed "Plan of Metropolitan Government" comes to fruition within ten years remains to be seen.

<sup>6</sup> *State v. Mrs. Egbert Schmittou*, as quoted in the *Nashville Banner*, March 10, 1961.

# How the Vote Is Bought

It isn't rascally politicians who corrupt, it's the citizens who are eager to sell their votes.

By A KENTUCKY LEGISLATOR\*

**L**AST year [1959] I was elected to the Kentucky legislature after paying off many of the citizens of my district with the money and whiskey they demanded in return for their votes. Many of the men who sit with me as legislators were elected in the same way.

This is nothing new in Kentucky but I think it is time that some politician, somewhere, tell the straight—and embarrassing—story of how a candidate may be compelled to pay for votes in this country if he is to be elected. It may be that the political customs of my Kentucky county are very much more decadent and corrupt than those of the nation at large but, after talking frankly with other politicians, I strongly doubt it. I believe that the appalling practices I am about to describe could be uncovered—with local modifications and many refinements, to be sure—in all of the states and in most of their precincts.<sup>1</sup>

The district which elected me—and in which I have spent most of my life—lies in the Kentucky coal fields. Some of the country's largest coal producers conduct large-scale mining operations here. In addition,

a number of small "truck mines" have plants within the district. Practically the entire population depends in some way on the coal industry.

The area was originally settled at the beginning of the nineteenth century by frontiersmen from North Carolina and Virginia. Most of them were of Scotch, Irish, English and German extraction. Their descendants lived as hunters and farmers until the coming of large-scale mining developments just before the first world war. Then the coal corporations imported large numbers of immigrants from south and south-eastern Europe and a small horde of Alabama and Mississippi Negroes. Other workers flocked into the region from different parts of the United States. In the ten years between 1910 and 1920 the population increased immensely.

The coal companies built "camps" or company-owned towns to house this large new labor force. Company ownership ended in most instances about a decade ago and the towns are now "free." The county contains a number of towns and the rural areas between them are dotted with houses and farms. Its precincts have long been a battleground between the local Democratic and Republican party organizations with the Democrats enjoying a decisive edge for the last several years.

A desire to "do something about" the state's dismal public roads and

\* This article, written anonymously by a member of the Kentucky state legislature, is reprinted, with permission, from *Harper's Magazine* for October 1960.

<sup>1</sup> But there is considerable evidence that they happen most in areas—whether Republican or Democratic—of low income and education, such as city slums and depressed rural communities.—THE EDITORS

schools led me into the race for the state legislature in 1959 as a Democrat. The extent to which bribery of the voters can figure importantly in an election became clear to me only during the five hectic days before November 3.

In my state, as in most southern states, a long list of state officials run for office simultaneously with the governor and lieutenant governor, and so do all the one hundred state representatives and half the state senators. Each of these many candidates usually has an assortment of relatives, friends and followers who hope to get a political job or other benefit from his election. Campaigns are usually long and bitterly contested. The candidates become more and more desperate and inventive. The only question asked about an election maneuver is, "Will it work?"; few people wonder, "Is it right?"

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On Thursday morning—the fifth day before the election—I passed the courthouse and saw intense little clusters of people waving their arms and shaking their heads. Spokesmen for individual candidates, or for their "straight tickets," were appealing for votes and loudly denouncing the opposition.

Soon after I arrived at my campaign headquarters the telephone rang and the voice of a woman in a nearby precinct assured me she would like to work for me "on election day." She pointed out that there were five voters in her household that she could "handle," besides the fact that she had many friends whom she could influence. She thought she

should have \$10 for her work plus \$10 for gasoline with which to "haul them to the polls." She named several successful candidates whom she had helped in previous elections and who, she averred, had only praise for her. She needed a little money right now because her husband was out of work.

The fiction of buying votes by pretending to hire precinct workers has now become routine. The candidate or his political supporters either shell out the sum required or risk losing the household in question to the enemy. In a single precinct a candidate will sometimes find himself with a half-dozen "hired workers"—generally women or disabled and unemployed men. This blackmail is sometimes brought by the same person against several candidates so that money is extorted from two or three on the same slate. The "work" consists of "lining up" members of the family and other relatives and handing out a few cards near the polling places or in the precinct.

And now such calls, some similar, some with variations, came thick and fast and from all parts of the district. One woman said she preferred to be for me but that my opponent had just left her home. He had offered her \$10 to work for him and she was going to accept it unless I brought her the same sum that very day. Another had been promised \$20 to work for the straight Democratic ticket but her two daughters had got "out of line" and were threatening to vote against me and my running mate for the other legislative chamber unless they received \$10

each to work for us. Still a third had received a \$20 bill and some political cards from my opponent and she had agreed to work for him. However, if I would give her the same sum she would "throw his cards away" and work for me because after all, though she was a registered Republican, she was a Democrat at heart.

At last came a short respite from these demands for cash but my ordeal had just begun. From then until the polls were closed I was subjected to unrelenting pleas for money and barely disguised threats of retaliation in the voting booths unless it were promptly forthcoming.

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As I turned from the telephone three smiling ladies from a local PTA entered the room. They were the finance committee of their chapter and were engaged in a fund-raising drive. The money was to be spent for library books and other needed equipment and they were sure each of the candidates would be delighted to donate to such a good cause. Then, too, the names of all contributors would be read to the assembled members that night while special pains would be taken to mention those who had "refused to help the school."

These busybodies had no sooner departed in triumph with my check when the bland face of a Protestant lay preacher appeared at my door. He declared his whole-hearted support for me and piously declared I was the "best man for the office." He had talked to his flock, of whom there were more than 70 adult members, and they were "just about all"

for me. Then he came to the point. His church had undertaken to enlarge its building and, with God's help, he was soliciting funds for that purpose. He and his entire congregation (and the Almighty too) would be extremely grateful for any assistance I could render them in this righteous cause. While my nerveless fingers signed the check he predicted a fine majority for me in his precinct.

Next came a man whose house had burned some three weeks before, destroying all his household effects. He was destitute and was "doing all he could" for me. If I could help him with a little donation he and all his close relatives would be at the polls "at the break of day" to vote for me and the straight ticket. . . .

At last I managed to escape the gougiers to attend a finance committee meeting scheduled for that afternoon. Present were the Democratic managers of the county campaign, some of the candidates, several local Democratic officeholders, and a number of influential and seasoned politicians. The purpose of the meeting was to determine how best to parcel out the "war chest" to the several precincts.

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A considerable sum had been cleared at a fund-raising dinner at which a prominent and distinguished party member had appeared as the principal speaker. The greater part, however, had been contributed by those whose personal interests were at stake in the election: the candidates and their supporters, job seekers, politicians looking ahead to future local elections, coal operators anxious to obtain fuel orders for state buildings and institutions, and con-

tractors and others who did business with the state and had found it beneficial to be on "the inside of the track."

The money collected had been sorted and stacked on a table in the center of the room. A considerable portion was in \$10 and \$20 bills which had been made ready for the "workers," "haulers" and "leaders." Most of it, though, was in crisp new \$1 bills and the total heaped together amounted to nearly a good round English peck.

\* \* \*

The treasurer, who had been responsible for the safekeeping of the money, read a list of contributors and of itemized disbursements he had made for telephone calls, printing and rent for the county campaign headquarters. The balance was carefully counted and was the "net available for the organization." A sigh swept round the room when it became clear that the money available was wholly inadequate for the demands sure to be made upon it.

An old politician cleared his throat and started the discussion:

"Now, men, let's start with the colored. We all know what it takes to get the nigger vote and if we don't fork it over the Republicans will get every damn one of them. They've got at least ten leaders who have to have a \$20 bill apiece, and each voter has to have two dollars. Then they ought to have about three gallons of liquor for the ones that want a drink. If we come across like I say and handle everything just right we'll get 'em all and that's at least two hundred straight-ticket votes. I say \$650 for the niggers to start off with."

The wisdom of this pronouncement was recognized and after discussion two gentlemen were agreed upon as the ones to take the "sweetening" to the Negro communities for distribution on the eve of the election. The infidelity of the "nigger voters" was duly discussed and certain safeguards were agreed upon to make sure they would vote as they had been paid to do. For instance, it was believed that in some precincts an election officer could arrange to vote for them under a pretense of showing the voters how to work the machines.

Someone recalled that in the days before voting machines the best solution to this problem was the "chain ballot"—a scheme by which the voter dropped a folded blank piece of paper into the ballot box in lieu of the ballot, concealed the unmarked ballot, and brought it to the precinct captain waiting outside the polls. The voter was paid for the blank ballot and the precinct captain would mark it as desired and deliver it to a second voter. The latter would enter the polling place, receive his own ballot from the officials, enter the booth, hide the unmarked ballot on his person, and emerge to deposit the marked ballot in the box before the eyes of the election officers. This process could be repeated all day long.

However, though the chain ballot was no longer possible, if the precinct election officials would cooperate the situation could still be handled and one's money's worth received.

This discussion largely took care of two precincts and consideration was then given to a third. Two



"good men" were agreed upon "to haul out the voters" and sums were allocated to pay them and a number of workers. Then a tricky problem was presented. The precinct chairman reported "Old Lady Blank is bad out of line. She's got forty-seven votes in her family—children, grandchildren and their wives and husbands—that she can absolutely handle. I promised her 50 to work for our side and she laughed at me. She said that unless she gets \$150 she's goin' to vote every one of 'em under the Log Cabin!"

These tidings plunged the group into gloom. The extra \$100 would strain the funds but all agreed that Old Lady Blank was "mean as hell" and would carry her threat into execution unless her demands were promptly met. A bundle of 150 crisp new dollar bills was sadly set aside for her benefit.

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In another precinct the head of a large clan had to be mollified. The vote might be close in his precinct and if he tried hard he could probably bring in a total of seventeen votes. So it was decided that one of the chairmen should visit him on the following day and assure him that, if and when a Democratic administration got into office, one of his sons would be slipped onto the public assistance rolls "as soon as possible." This son was reported to be "pretty sick and not able to work." In addition, he was to be handed a \$20 bill "to get out his vote with." This sum appeared ample in view of the fact that he and all his following lived within easy walking distance of the polling place.

By this means the county was gone over precinct by precinct. The money allotted each was placed in a suitably marked envelope and dispatched by a trusted courier to the designated precinct chairman or other workers. When the last precinct had been dealt with, the stacks of cash had vanished and it was discovered that \$600 were still needed. To fill this gap one of the gentlemen took it upon himself to visit a quarry operator and assure him the local bigwigs would help him to get some profitable road-gravel contracts "after the first of the year if he would chip in and help out."

The next three days were spent in frantic campaigning. I made last-minute appearances before teachers' groups to pledge support for their projected legislative program. I was compelled to scurry about from one local union hall to another to squelch a rumor planted by my opponent among members of the United Mine Workers that I was anti-union and had expressed sentiments not wholly critical of the Taft-Hartley Act. I also found time to donate to a couple of charities I had never heard of and to buy raffle tickets of doubtful legality from a half-dozen or more patriotic and fraternal organizations. Time also had to be found to visit the general managers of the coal companies and to state that I was sane, sound, sensible and conservative and to implore them to "line up their office workers" for me. And through it all I was beset—singly and in murderous packs—by bushwhackers who demanded money: (a) to compensate them for past labors in my behalf and for the



electioneering they proposed to do on election day, (b) to hire persons to carry voters to the polls (apparently few people any longer walk there or drive their own cars), or (c) to appease those who were offended because they did not receive a share of the "campaign pot."

Of course, the Grand Old Party was far from quiet during this critical interval. A few days before the election one of their party leaders spoke to a crowd in the county circuit courtroom. His listeners showed small interest in his speech until he got down to business and declared that the National Committee was going to be able to send some money down to Kentucky "to help put over the ticket." At this splendid passage the crowd cheered up and applauded fervently.

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About 7:00 P.M. on election eve a messenger came flying all wild with haste and fear to inform me that "the Republicans have got in amongst the niggers with money and liquor and are trying to tear things all to hell!" He and I sped to the trouble spot and found a large group of Negroes assembled in the local grade-school building listening while a Republican orator talked to them about Abraham Lincoln, Chief Justice Warren and the "great school integration decision of the Supreme Court." Many of his listeners had been comforted with 100-proof cordials. However, we were consoled when, a few minutes later, one of the Negro leaders spied our parked car and came out to talk to us. He assured us the Negroes were only being courteous to the Republican

"white folks" and intended only to get a little whiskey and money from them and then vote the Democratic ticket. "That Abraham Lincoln stuff is all right," he said, "but we ain't forgot about Franklin D. either." He also took advantage of the occasion to request an extra \$20 with which to keep some waverers in line.

The morning dawned bright and clear and the sovereign people began flowing to the polls, most of them in automobiles which the party organizations had rented for them. As I ate breakfast before dashing off to one of the precincts, I reflected upon a conversation I had had a few years ago with an aged kinsman. This 90-year old patriarch recalled that when he cast his first vote nearly 70 years before, the entire electorate voted *viva voce* at the county courthouse. Nearly every adult male had taken the trouble to walk or ride over abominable roads and trails to the county seat. Some of them had been compelled to travel as much as 30 miles and to sleep around campfires on the edge of the poor little village. Now, after three-quarters of a century of "progress," candidates must impoverish themselves to provide comfortable transportation to voters who, in most instances, need travel no more than a mile or so over good hard-surfaced roads in order to vote in private booths. I wondered what manner of men will eventually grasp the power which year by year is slipping out of the hands of a greedy and corrupt electorate.

When I reached the largest of the two predominantly Negro precincts I was assured that most of them had arrived early "in a black cloud" and

each had voted the Democratic ticket with the pull of a single lever. This was "proved" by the fact that the voters had remained in the booth so short a time that the "curtains hadn't even quit shaking" when they came out.

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A bit later, at another precinct, I spent a few moments with voters on the outside of the polling place and was assured by our workers that everything was going fine. The United Mine Workers had sent field workers into the region to urge miners and their families to "vote it straight" and, as a result, the "turnout" was heavy. However, a minor crisis arose a few moments later when a long, lean, cadaverous-looking white man and four others arrived. His companions were a pasty-faced boy of about eighteen and three slatternly women. They sat in their rattletrap car about 50 feet from the door of the building, their spokesman in animated conversation with the precinct chairman. Presently the chairman went off to a nearby house and returned with a friend who was custodian of the precinct's money. This group of citizens, it seems, had been promised \$2 each for their votes, but they were now insisting on an additional \$5 for "gas money." The gentleman who was acting as their self-appointed leader was directed to "take his gang and vote 'em" and "I'll see that you get an extra five." This satisfied them and they filed into the polls.

But the orgy of money grabbing was not directed solely at the party organizations, their candidates and contributors. An even more massive

assault was being made officially and formally upon the state treasury.

Kentucky spends less money per capita for support of its schools than does any other state.<sup>2</sup> Thousands of children attend school in dismal shacks presided over by teachers who, in many instances have had only a year of college study. Roads in much of the state are narrow and winding and poorly maintained. Few public facilities are really adequate. Yet despite these glaring shortcomings, the state legislature had put before the people a proposal to amend the constitution in order to pay a cash bonus of up to \$500 to each veteran of the Spanish-American War, World War I, World War II and the Korean conflict, and to their heirs and next of kin. This gratuity was to be financed by an issue of bonds, none of which could be retired in less than 30 years. Incredibly enough the arriving voters were vociferous in their support of this marvelous proposition and it was immediately apparent that, if the precinct were typical, our country's heroes were soon to receive "a little liquor money" at the expense of even more poorly-paid teachers and semi-literate young citizens.

For example one voter nudged me in the ribs and informed me that he was for the bonus "'cause they're agoin' to tax us anyway, and besides, I ain't goin' to be here long enough to have to pay much on it myself!" Another, an old lady, favored the proposal because she had three sons

<sup>2</sup> Since this was written Kentucky has greatly improved its school financing. The 1960 legislature levied a general retail sales tax and increased school appropriations by 50 per cent.

living in Detroit and, between them, they could collect a total of \$1,500 "without being out a red cent" in taxes to help pay for it.

However, an even more cynical explanation came from a youthful veteran of Korea. I knew him to be an ardent member of one of the major veterans' organizations and a dedicated "patriot." He had left his job long enough to vote and, as he prepared to discharge this primary duty of good citizenship he declared, "I'm sure as hell for the bonus. After all, if we veterans don't get the money the teachers are makin' such a fuss they'll probably spend it on the damn schools."

In the twenty months since the legislature adjourned few people had spoken out in opposition to the bonus grab, despite the fact that the estimated \$500 million required to finance it was coincidentally the amount which the state Department of Education had calculated was necessary to decently house the state's school children!

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About 4:00 P.M. I reached my precinct and, after voting, inquired of a group of men loitering some 50 yards from the polls whether they had yet voted. With all the candidate's geniality I could muster I urged them to go in and vote and, of course, to be sure to vote for me. They were a ruffianly bunch and one of them, a one-eyed villainous-looking soul, declared that they would "be damned if we vote unless we get a little whiskey first." Another summed it up: "No liquor, no votes."

A few moments later one of the Democratic precinct workers took them to his parked automobile and drove off with them. In a short time they came back and when I left these reluctant voters were lined up before the door of the polls. The man who had chauffeured them told me, "This damn trash vote is enough to drive a body crazy. I'd promised them a pint apiece but they wouldn't vote until I showed 'em the stuff. I gave 'em half of it and they'll get the rest as soon as they vote."

As I drove away I remembered the words of an old, hardened and eminently practical Kentucky politician: "The 'good' people will generally divide about 50-50 between two candidates. That's the reason the one who gets the god-damn trash is nearly sure to win."

We spent that evening by the television and radio listening to returns from the county and from the entire state. By eight o'clock enough precincts had been tabulated to make it clear that I'd won a handsome majority. And by ten we knew that the entire Democratic ticket had won in a landslide.

As for the veterans' bonus, two-thirds of the counties voted overwhelmingly for it and it was ratified by a majority of more than 40,000 votes.

After midnight, when the Republican state campaign manager had conceded the election, his opposite number came on the air and thanked the people of the state. He said the campaign had been hard-fought but clean and in the very finest American tradition.

# New Urban Challenge

Local leaders urged to take responsibility for finding metropolitan problem solutions.

By RICHARD H. LEACH\*

THE greatest domestic challenge of the 1960s is that complex of problems—social, economic and political—created by the rapidly increasing concentration of population in a limited number of metropolitan areas. The most serious of those problems is political because, by and large, the leadership for solving the social and economic problems must come from government. And because of the predominance of divided government and diffused power in the nation's metropolitan areas, the political problem is chiefly a local one.

Some action with regard to metropolitan area problems has already been required by the federal government and more will be necessary. In this session of Congress, as in every session for the last several years, a bevy of bills to provide for greater federal responsibility in attacking the problems has been introduced.

On the executive side, even though President Eisenhower was not much moved by the problem himself, he did for a while assign Robert E. Merriam, then assistant director of

the Bureau of the Budget, specific responsibilities in the field of metropolitan intergovernmental relations, and in 1957 he appointed the *ad hoc* Interagency Committee on Metropolitan Area Problems. Very little concrete resulted from either effort.

President Kennedy made federal action to assist in solving metropolitan problems a campaign promise and, both before the election and since, he has endorsed the idea of a cabinet level department of urban affairs as being necessary for successful federal leadership in meeting the problems of urban areas. There is considerable support for the idea in Congress and, with the President's support, its creation may well be forthcoming. In any case, greater federal involvement in the attack on metropolitan problems can be counted on.

Unfortunately, federal involvement in urban programs has already produced problems in intergovernmental relations, most of which remain unsolved, and an increased federal role will no doubt compound the difficulties. Devising federal programs to assist in solving metropolitan area problems is complicated by the fact that such areas, with rare exceptions, have no corporate existence and thus no over-all governmental organization which can spend federal grants-in-aid. As a consequence, Washington is forced to deal with the states, or with individual

\* Dr. Leach is associate professor of political science at Duke University. He has been participating in the Study of Government in Metropolitan Areas conducted by the Governmental Affairs Institute, Washington, D. C., and the Institute of Public Administration, New York City. Dr. Leach is co-author of *The Federal Government and Metropolitan Areas*. This article is Dr. Leach's address before the 1961 conference of the American Society for Public Administration.

cities, counties and *ad hoc* special districts within metropolitan areas, rather than with entire areas as such.

Such a state of affairs is largely the fault of the states, which have been laggard in permitting creation of adequate governmental units for metropolitan areas. But federal administrative agencies have not helped. They have been slow to recognize the distinction between action to meet the problems of metropolitan areas and action to meet the problems of the separate cities and counties within them, so that program planning often is ineffective. To make matters worse, federal programs in urban areas are characterized by detailed and cumbersome requirements which state and local agencies must follow if they desire federal aid. In addition, the timing of federal programs often fails to take into account the limited resources of local governments.

Finally, federal action in urban areas has been marked throughout by a lack of coordination between programs, as has been the case, for example, with the highway and urban renewal programs. Programs have been launched and carried out by one agency with no interest in or concern about their effect on the programs of other federal agencies in the same areas. Individuals in charge of programs affecting metropolitan areas in one agency often have not even been in contact with their counterparts in other agencies. And only a few agencies have set up organizational units specifically designed for programs in urban areas, to say nothing of units designed for entire metropolitan areas.

It is pointless to make the indictment longer. The fact is that as the federal government's role in solving metropolitan problems grows, as it seems certain it will, it must take the lead in overcoming these difficulties and in preventing new ones from arising. Whether or not a single department of urban affairs is established, federal administrators must develop means of coordinating their programs one with the others and of working together and with state and local officials for the effective solution of the problems that confront them.

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Nor are the states free from responsibility for action in the metropolitan crisis. Indeed, the very nature of our federal system demands that the states take an active role in their solution. Up to now, however, the states as a whole have ignored their responsibilities. With a few exceptions, such as New York, California, Massachusetts, Oregon and Michigan, the states have failed to recognize the population changes occurring within their borders and, far from altering their traditional relations with local governments to facilitate the solution of the problems those changes have brought, have actually hindered their effective solution. Rurally dominated as most state legislatures are, the rapidly growing urban areas have been neglected and overlooked until in desperation they have turned to Washington for aid. And Washington has been generous in its response to their pleas.

Yet it cannot be maintained that the whole burden of responsibility

should be shifted from state to federal shoulders. During the legislative sessions of the 1960s, the states must find ways of accomodating themselves to the metropolitan facts of life. State legislatures must be made more representative of urban areas, state fiscal systems must be altered to permit metropolitan areas to obtain a fairer share of state resources, and new state programs in metropolitan areas must be devised. The states, like Washington, will have to orient themselves toward urban and metropolitan problems and direct their energies to their solution.

But the heaviest burden of adjustment to the metropolitan way of life and the greatest changes in the pattern of intergovernmental relations ultimately will accrue to local officials in the metropolitan areas themselves. For, no matter what happens in the state capital or in Washington, effective action in attacking metropolitan problems will result only from a cooperative spirit and complementary programs evolved by administrators on the scene. Thus the greatest challenge of metropolitan areas is to administrators on the local level.

Fortunately, a pattern is beginning to emerge that promises to provide guidance to local officials as they set about to meet the challenge and alter the traditional pattern of intergovernmental relations on the local level. Miami and Toronto have led the way in developing a formal governmental device for bringing about cooperation between local officials in attacking metropolitan problems and, where that pattern is

applicable, it can be adapted to other metropolitan areas. The cities in a number of areas have found the contract method to be a way of cooperating in providing services to entire areas. And a number of other formal arrangements have been made to suit individual situations.

In many metropolitan areas, however, the obstacles presented by state boundaries, by long-standing political divisions, and by hostility between urban and rural areas, between rival municipalities and between municipalities in suburban areas on the one hand and the central city on the other, make the prospects for either metropolitan government or successful formal contractual arrangements dim indeed. Since such areas include most of the major metropolitan centers in the nation, the problem is an urgent one.

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The devices I want to emphasize offer hope to such areas and to embattled local administrators generally because they offer, in Paul N. Ylvisaker's words, "a workable way out of the metropolitan dilemma of divided authority," a way, moreover, that "has an appeal to local politicians and elected officials."<sup>1</sup> I refer to the voluntary metropolitan regional agency and particularly to the New York Metropolitan Regional Council, the Washington Metropolitan Regional Conference and the Supervisors Inter-County Committee of metropolitan Detroit. These agencies—and there are a number of

<sup>1</sup> "The Role of the Local Governmental Official in a Metropolitan Area," Supervisors Inter-County Committee, *1960 Report to the Boards of Supervisors*, Detroit, 1960, page 42.



others like them—are based on the premise that adequate metropolitan problem-solving will not come about until officials from the rural areas and the small towns in the area join with suburban and urban officials in planning and executing programs. Or to put it differently, that they recognize as basic the human element in administration and understand the necessity of breaking down hostility and suspicion between local officials as the first steps in planning successful attacks on common problems.

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When this is accomplished, the need to create a new governmental unit or to initiate other formal arrangements is obviated, for then the existing tools and agencies of government can be utilized cooperatively to their fullest separate capabilities. The main advantage of the metropolitan conference, in fact, is that it can be established by the local governments themselves. As a voluntary agency it is easy to set up, flexible in its operation and adaptable in its purposes. Moreover, its *modus operandi* is essential to any successful attack on metropolitan problems for, given our divided political system, cooperation and joint action are the *sine qua non* of effective administration, on the local level just as on the state and federal levels.

The Supervisors Inter-County Committee, which dates back to 1954, is the oldest of the agencies. It is made up of six members of the board of supervisors of each of the six counties in the Detroit metropolitan area, including the chairman of the board. It is supported by contributions from the six counties based

on population, property valuation and land area. It carries on its work chiefly through subject-matter committees, although it has a central office and a full-time executive secretary. It functions as a study and recommendatory body.

Any action requires approval by all six counties. When this is secured, the recommendation is referred to the county board affected for action. From there on, the committee relies on the fact that the county's board chairman and other supervisors are members of the committee and on the influence of other local officials in each county to secure results. In the less than seven years of its life, the committee has built up a respected record of achievement.

First and foremost, it has brought to the 230 local communities in the six-county area an awareness of the magnitude of the problems facing them and an understanding that cooperation is necessary in tackling them. In doing so, it has largely overcome the jealousy and hostility that used to mar intergovernmental relations between units and make cooperation among them difficult if not impossible.

It has helped give birth, so to speak, to two other intergovernmental agencies in the area—the Inter-County Highway Commission and the Southeastern Michigan Community Research Corporation, both of which are now at work seeking solutions to problems within their scope of interest. It has sponsored a series of seminars on urban and regional problems for administrators in the six-county area. It has sponsored, directly or indirectly, a num-



ber of studies on specific problems, including aviation needs through 1975, the Huron-Clinton watershed and also the region's water problem in general, and the sanitation and drainage needs of the area. And it has served as the sponsor of the area's needs before the Michigan legislature, in one recent session securing passage of eleven out of thirteen bills proposed.

The committee does not claim that it has proved to be a panacea. The Detroit metropolitan area still has a great many problems which need attention. But the committee has not emphasized speed. Instead, it has frankly preached the virtues of gradualism and is willing to make haste slowly. It operates on the valid assumption that the metropolitanization of the Detroit area is having so great an impact that no local government official can seriously question the inevitability of increased governmental activity to meet the changes rapid population growth bring or the concomitant need for greater cooperation among the area's units of government in the years ahead. The committee stresses its availability to serve local officials and existing local government agencies as they begin to seek for answers to the common problems which now beset them all.

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The New York Metropolitan Regional Council, established in 1956, and the Washington Metropolitan Regional Conference, established in 1957, are cast in much the same mold as the Supervisors Inter-County Committee. There are differences in composition and in projects un-

dertaken but basically the organizations are the same. The New York council "has defined its assignment as one of broad regional leadership, concerned with the analysis and solution of any problem recognized as regional in its character by the members of the Council."<sup>2</sup> The Washington conference offers a "means of finding mutually satisfactory approaches to regional problems while maintaining and building on the foundation of strong, vigorous local governments."<sup>3</sup>

Both involve the top administrative or elected personnel in the local government units in their areas and both seek to accomplish their goals by the soundness of their recommendations rather than through the force of law. Recently there has been considerable pressure in the case of the New York council to make its status official rather than voluntary, but even this change would not confer operational or regulatory powers on the council. It would remain, like its sister agencies in Detroit and Washington, chiefly a coordinating body devoted to analysis and recommendation.

Virtually every metropolitan area needs some such body. Effective action to solve metropolitan problems will not be forthcoming until the problem of intergovernmental relations in the area concerned has been solved, until, in other words, varying local positions have been reconciled,

(Continued on page 518)

<sup>2</sup> New York Metropolitan Regional Council, *The Future of the Metropolitan Regional Council*, New York, 1959, page 30.

<sup>3</sup> Samuel Humes, executive secretary, Washington Metropolitan Regional Conference, to Richard H. Leach, March 7, 1961.

# News in Review

City, State and Nation . . . . .

H. M. Olmsted, Editor

## Court Amendments Up to State Voters

### Illinois and Nebraska To Pass on Reforms

A REVISED judicial article for the Illinois constitution, sponsored by both the Illinois and the Chicago Bar Associations, was approved by the state legislature and will be voted on by the people in November 1962. A prior proposal, submitted to popular vote in 1958, received a large majority but was ruled out as not having obtained the necessary two-thirds.<sup>1</sup>

A statement by the presidents of the two bar associations called the new proposal an improvement over that of 1958 as to tenure of judges, rule-making powers of the Supreme Court and constitutional instead of statutory terms for judges. The new proposal is supported by the associations even though it does not provide for nonpolitical selection of judges. It does allow for future change in methods of selection as noted below.

Provision is made for an increase of from one to three in the number of Supreme Court justices to be elected from Cook County (containing Chicago).

The official explanation or summary of the proposed amendment is as follows:

"This amendment would give the state an integrated court system in which all judicial power would be vested in three levels of courts: the Supreme, Appellate and Circuit Courts. In lieu of other existing courts there would be divisions of the Circuit Court—the only trial court.

"The Supreme Court would consist of seven judges, as at present, but with

three elected from Cook County and one from each of four different downstate districts in the remainder of the state. The boundaries of these districts, except for Cook County, could be changed from time to time by law. The Supreme Court would exercise administrative powers over the court system as a whole.

"The Appellate Court would have five districts identical with those from which the judges of the Supreme Court would be elected. For the bulk of litigation the decision of the Appellate Court would be final.

"The present Circuit Court districts would continue until changed by law.

"Each county would always have at least one associate Circuit Court judge. Justices of the peace and police magistrates would be merged into the Circuit Court as magistrates thereof until the expiration of their terms. Thereafter, the duties and functions of these offices would be performed by magistrates appointed by the Circuit Court, serving at the pleasure of the court.

"Incumbent clerks of all courts, the bailiff of the Chicago Municipal Court, and other nonjudicial personnel will continue in office until the expiration of their terms. Thereafter, the General Assembly will provide for the selection, terms, removal and salaries of such officers.

"All salaries and expenses would be paid by the state and additional compensation may be paid in Cook County by the county.

"All new and successor judges would be licensed attorneys at law. All judges would devote full time to their judicial duties. They could not be officers of a political party.

"Judges who are incumbents on January 1, 1963, and thereafter would run against their record and without party

<sup>1</sup> See the REVIEW, January 1959, page 25.

designation, rather than against an adversary candidate in the appropriate general election. Any further fundamental changes in the method of election would require a two-thirds vote of both houses of the General Assembly and ratification by a majority of the electors voting on the proposition."

Voters are instructed to use "X" in voting for or against the amendment. In 1958 many voters favoring the amendment used "yes," but their ballots were ruled invalid.

The legislature achieved other notable reforms in the field of law. A new simplified criminal code will go into effect on January 1, 1962. Six months later a new commercial code takes effect. It was prepared by the Illinois Commission on Uniformity of Legislation in the United States, headed by Albert Jenner, Jr. The legislature adopted it unanimously.

#### **Nebraska**

The Nebraska merit plan for the selection of judges of the state Supreme and District Courts, passed by the state legislature by an overwhelming majority of 35 to 7, will go before the voters at the November 1962 general election.

According to the American Judicature Society the plan, a combination of appointment and election, is patterned after the method endorsed by that society and the American Bar Association. It provides for establishment of judicial nominating commissions, each of which would consist of a member of the Supreme Court, who would be appointed by the governor and serve as chairman, three lawyers appointed by the bar and three laymen appointed by the governor. There would be one statewide commission to nominate the chief justice of the Supreme Court and one for each of the Supreme Court judicial districts and one for each of the District Court (trial court of general jurisdiction) judicial districts.

Vacancies on the Supreme and Dis-

trict Court benches would be filled by the governor from a list of at least two nominees presented to him by the appropriate commission. If the governor failed to make an appointment from the list within 60 days, one would be made by the chief justice or acting chief justice from the same list.

At the next general election following a three-year term and every six years thereafter, the judge would be required to submit his right to continue in office to the approval or rejection of the electorate. In the case of the chief justice, the electorate of the entire state would vote and in the case of the other judges the electorate of the district from which he was selected would vote.

An important provision opens the door to the nonpartisan selection of the state's entire judiciary by authorizing the legislature to extend the plan to such other courts as it may determine.

### **Group Studies Political Activity in Michigan**

A Political Activity Advisory Committee has studied the regulation of political activity of Michigan state civil service employees. It supports the existing prohibitions of the Civil Service Commission, according to the Public Personnel Association, but has asked the commission to introduce a more positive approach to the question by informing state employees of those activities which are permitted as well as those that are prohibited.

The recommendations were the result of several weeks of intensive study of the experience with existing rules and political activity controls in other jurisdictions as well as testimony before the committee by administrators in state agencies and employee groups. The committee, chaired by David C. Pence, a past president of the State Bar of Michigan, was made up of representatives of management, labor, state agencies, edu-

cation, and of the Republican and Democratic parties.

Specific findings and recommendations included:

1. The present rule prohibiting solicitation or payment of a political "assessment" but permitting voluntary contributions is sufficient and practical.

2. The existing prohibitions on non-partisan as well as partisan candidacy should stand.

3. The extension of the Hatch Act (which now applies to those state employees in agencies financed in whole or in part by federal funds), with its detailed prohibitions and attendant administrative complications, is neither necessary nor desirable.

4. The committee approved the Civil Service Commission's prohibition on partisan candidacy for constitutional convention delegate by a five-three vote.

As to the permitted activity, the committee suggested that the Civil Service Commission, in its printed communications, list such authorized activity as voting; expressions of opinion (but not including active management of a political campaign or serving as an officer of a political organization); voluntary use of partisan badges, buttons, stickers and campaign material (bumper sticker on a private car would be prohibited while and if the vehicle is used to conduct state business); voluntary contributions to a political party or candidate; candidacy, on authorization of the state personnel director, in nonpartisan elections for members of a school board or municipal charter commission; appointment, under the same arrangement, to nonpartisan nonelective boards and commissions and to election boards.

## **Ohio Votes on Four Amendments This Year**

The 1961 Ohio legislature has submitted four proposed constitutional amendments to the voters at the general

election in November 1961. Their subject-matter is as follows:

1. To empower the legislature to provide by law for prompt temporary succession to the powers and duties (rather than the offices themselves) of all state and local elective and appointive public offices; and to adopt other measures to insure continuity of government operations in emergencies resulting from disasters caused by enemy attack.

2. To subject all citizens, instead of only male citizens, to the possibility of enrollment in the militia; to change the age limits for such duty from 18 to 45 to 17 to 67 years; to authorize the governor to call the militia in the event of a disaster within the state; and to change certain requirements as to appointment and commissioning of officers, etc.

3. To provide that appointments to state offices are subject to advice and consent of the Senate if required by law; to ratify all previous statutory enactments requiring Senate advice and consent; to require submission of a new appointment if the Senate refuses consent to an appointment; to provide that Senate failure to act, by a roll call vote, on an appointment constitutes consent; to provide that if the legislature adjourns sine die within ten days after submission of an appointment and the appointment is not acted upon, it may be considered at the next session.

4. To provide that vacancies in the Senate shall be filled by appointment by senators of the same political party as the person last elected to the vacant seat; vacancies occurring in the first twenty months of a term to be filled by appointment only until the next general election.

## **California Districting Presents Diverse Problems**

The 1961 legislative redistricting in California, by a Democratic-dominated legislature, is reported by Eugene C.

Lee, acting director of the Bureau of Public Administration of the University of California at Berkeley, to have produced a somewhat better result in terms of population of districts than was the case ten years ago under a Republican-dominated legislature, but left other problems and criticisms. He states:

"The first lesson of 1961 is that gerrymandering or political districting does not necessarily require unequal districts. Through skillful partisan districting, the Democrats have virtually assured that their legislative strength in the 80-man Assembly will not soon drop below their present majority of 47 seats and will probably exceed 50. Of the eight new Congressional seats which California has been assigned, it is virtually a certainty that all eight will elect a Democratic representative and that California will return at least 24 Democrats of its 38-man delegation.

"The second lesson of 1961 is that incumbents will support a redistricting bill, regardless of their party, if it is to the advantage of their continuance in office. The counterpart of building safe districts for the majority is that a lesser number of seats are made equally safe for certain minority party districts. So it was that, in 1961, much to the dismay of state GOP leaders, seventeen of the 33 Republican assemblymen supported the redistricting bill.

"The net result of the 1961 reapportionment, therefore, is a reduction in the number of competitive Assembly and Congressional districts. Incumbents of both parties combined to maximize the security of their districts. At least 50 of the 80 districts can be regarded as completely safe for one party or the other (40 Democratic, ten Republican). Of the 38 Congressional seats, at least 23 can be similarly classified (nineteen Democratic, four Republican). Thus, at the legislative level, two-party competition in many districts has been markedly weakened."

There are still great disparities of population of Assembly districts, ranging from 72,105 to 306,191 per seat, but these are said to be due chiefly to constitutional requirements preserving county lines.

In the Senate districts, which were not changed, the requirement that no county can have more than one senator results in one district of 6,038,771 (Los Angeles County) whereas the smallest district has 14,294 people per senator. There is rural domination of the Senate while at the same time it is more heavily Democratic than the Assembly.

According to Mr. Lee, disparities of Senate representation of northern and southern counties are more significant than the rural-urban conflict; 60 per cent of the state's population living in the southern half has less than 30 per cent representation in the Senate. In 1960 an initiative proposal to divide the Senate equally between north and south was defeated.<sup>1</sup> Governor Brown has announced that he would appoint a "blue-ribbon" commission to study the problem of Senate representation and render a report to the legislature and the people for possible action in 1962. The 1961 legislature approved this plan.

### **N. H. Legislature Enacts 371 Laws**

The New Hampshire legislature, which convened on January 3, adjourned six months later. The session was the shortest since 1953, in part because a constitutional amendment effective this year halted mileage payments to legislators as of July 1, according to *State Government News*.

Some 709 bills, including 60 joint resolutions, were introduced during the session; 371 were enacted into law, the remainder either being killed or referred to committees for study and report at

<sup>1</sup> See the REVIEW, July 1960, page 367, and December 1960, page 610.

the 1963 session, according to the New Hampshire Taxpayers Federation. The latter notes that some confusion existed in the closing hours of the session and the legality of certain actions has been questioned.

A series of major reorganization measures was passed. One establishes a Department of Resources and Economic Development, combining the former Planning and Development Department and the Forestry and Recreation Department; an attempt to include the Fish and Game Department as well was unsuccessful. Another establishes a Department of Safety, taking in the State Police, Motor Vehicle Department, Fire Marshal and Tramway Safety Commission. Registration of boats and common and contract carriers is to be handled by a Division of Motor Vehicles. A new Health and Welfare Department combines the former Departments of Health and of Welfare and also takes in the Water Pollution Commission, State Sanatorium, Commission on Alcoholism and a Division of Mental Health which includes several institutions.

Legislation was adopted reapportioning the House of Representatives and revising boundaries of Senate districts for the first time in 46 years.

Other laws provide for emergency interim succession for all three branches of government and for emergency location of state and local governments.

A step in the direction of more home rule for cities was the approval of a measure that allows responsibility for establishment of salaries of local officials to be assumed by city councils, the voters or both.

### **Ohio Governor Aids Merit System**

A bill passed by the Ohio legislature to exempt from the merit system county employees who hold a "fiduciary or administrative relationship" to an elected

official, has been vetoed by Governor Michael DiSalle. According to *Good Government*, published by the National Civil Service League, the language of the bill was broad enough to cover all employees of Ohio counties and was admittedly aimed at stopping the state personnel department from enforcing a constitutional provision that prescribes civil service examinations, so far as practicable, for county and city as well as state employees.

In his veto message Governor DiSalle said: "I have never been called a novice in government or politics. So I speak to you from years of experience in arriving at what I feel is the best concept of government. The return to the 'spoils system,' even in part, would be retrogressive. I prize a two-party system as an essential part of our democracy, but I am not convinced that this system must rest purely on the basis of political patronage . . . . To build stronger our system we must have our political parties organized and based on questions of principle and philosophies with citizens participating in political campaigns as a matter of civic obligation."

### **Light Vote for Michigan 'Con-Con' Delegates**

With only about one-fifth of the state's voters taking part, 144 delegates to Michigan's first constitutional convention in 54 years were elected on September 12. They were chosen on the basis of one for each of the districts for senators and representatives—a change made by constitutional amendment adopted in November 1960, to give greater recognition to relative populations than the former basis of Senate districts only.<sup>1</sup>

The result of the voting was a heavy Republican majority—over two to one—

<sup>1</sup> See the REVIEW, September 1960, page 431, and December 1960, page 611.



in the convention, considerably greater than the over-all ratio of 78 to 66 in the present legislature. The statewide vote is reported to have been about 425,000 for Republican delegates to 285,000 for Democratic.

Democratic Governor John B. Swainson expressed disappointment in the outcome and said it was unfortunate that so few voted in an election "of so great import to all the people of Michigan." He added, "Our task now is to exert every effort to help design a constitution that will reflect and meet the twentieth century needs of all the people."

According to the *Ann Arbor News*, among the Republican winners were such prominent persons as Michigan State University President John A. Hannah; George Romney, president of American Motors Corporation; former Congressman Alvin Bentley; Republican National Committeeman John B. Martin; and Dr. James K. Pollock, University of Michigan political science professor. Among the Democratic victors were Adelaide Hart, former state vice chairman of the party; William C. Marshall, executive vice president of the Michigan AFL-CIO; and Tom Downs, counsel to the state AFL-CIO. Most of the Democratic delegates are from Wayne County (containing Detroit).

### **Conferences of Governors And Other State Officials**

The 53d annual meeting of the Governors' Conference was held June 25-28 in Honolulu, and was attended by governors from 47 states and territories. It produced a record total of 33 resolutions, many dealing with pressing nation-wide problems. Governor Wesley Powell of New Hampshire was elected chairman for 1961-62.

During the summer several regional conferences of the Council of State Governments were held, including the southern at Mobile, Alabama, June 28-30; the

midwestern at Rapid City, South Dakota, July 16-19; and the western at San Francisco, July 16-19.

The western meeting was notable for emphasis on strengthening the legislative branch of state government. It included two half-day general sessions devoted to state government organization and operation. The first was devoted to examining the fiscal function from budget preparation through legislative appropriation and expenditure control to post-auditing. The second session reviewed recent developments in legislative reapportionment and considered means for improving legislative methods, along lines recommended by a Committee on Legislative Processes and Procedures of the National Legislative Conference.

The southern conference was especially well attended, with more than 250 legislators and state administrative officials from fifteen states present.

### **Four Midwest States Hold Legislative Conference**

A four-state legislative conference, attended by legislators of North and South Dakota, Montana and Wyoming, was held in April at Billings, Montana, and in September at Bismarck, North Dakota. The conference was planned because the four states have common problems due to similarity in area, population and inhabitants. Municipal finance was an important topic, together with legislative procedures, taxation, budgets, fiscal control and school district reorganization.

### **14 States Cooperate with U. S. on Billboard Control**

The U. S. Department of Commerce has announced that fourteen states have entered into formal agreements with the department providing for control of outdoor advertising along the interstate highway system. They are Connecticut, Delaware, Hawaii, Kentucky, Maine, Maryland, Nebraska, New York, North



Dakota, Oregon, Pennsylvania, Washington, West Virginia and Wisconsin. The deadline for such agreements is July 1, 1963.

### **Council-Manager Plan Developments**

SHELBY, NORTH CAROLINA, (1960 population 17,698) voted 972 to 203 on July 25 to adopt a council-manager charter.

BRIGHTON, COLORADO, (7,055) at a special election on August 8, voted 408 to 244 to adopt the council-manager plan. A manager is expected to take office on January 1, 1962.

IN TELFORD, PENNSYLVANIA, (2,763) the council-manager plan has been adopted by ordinance.

The board of aldermen of WATERBURY, CONNECTICUT, voted eight to seven on August 7 in favor of a popular referendum on the question of adopting the council-manager plan but, as a two-thirds vote was required, the proposal lost.

NEWBURY, SOUTH CAROLINA, voted 1,735 to 610 on August 22 against abandonment of the council-manager plan, which has been in effect since 1949.

On August 22 PARKERSBURG, WEST VIRGINIA, voted two to one to elect a charter commission. In September 1960, the voters had defeated a proposed council-manager charter by a narrow margin.

A council-manager form of government has been recommended for FOREST, MISSISSIPPI, by Dr. Edward Hobbs, director of the University of Mississippi's Bureau of Public Administration, and by Donald G. Rhodes of the same department. Their report was financed by the Federated Women's Club and was presented at a June meeting sponsored by the Coordinating Council of Forest Federated Clubs. Forest now has a weak-mayor form of government.

The BURLINGTON, IOWA, Citizens Committee for Council Management is reported to have obtained the requisite

number of signatures on a petition calling for a special election on the question of changing from commission government to the council-manager plan.

The 1961 KANSAS legislature adopted a law providing for a "mayor-council-city manager" plan, available to cities of the first class by a referendum vote of the people of such a city. It provides for an elective mayor and a council of six members, two elected at large and four by districts, for staggered terms. The mayor would preside at council meetings, could vote in case of a tie and could veto ordinances or resolutions other than charter ordinances; such veto could be overridden by four councilmen. The council would appoint a city manager, in accordance with existing statutes, and could also, if it desired, appoint the city attorney, city clerk and police judge. Kansas now has 30 cities with the so-called commission manager plan (seven being cities of the first class, eighteen second class and five third class) and five second-class cities with managers as well as mayors and city councils.

### **Yonkers, N. Y., to Vote on Revised Charter**

The City Charter Revision Commission of Yonkers, New York, appointed under provisions of a 1961 state law applicable to all cities, has submitted a revised charter to be voted upon by the electorate on November 7, 1961.

The *Yonkers Herald-Statesman* commends the result, noting five main points: (1) the council-manager plan is retained; (2) the thoroughly revised charter is in book form; (3) a new and orderly system of special assessments for local improvements has been devised; (4) clear and simple rules for succession in case of removal or death of officials is provided; (5) redistricting of the city's twelve wards—now having population inequalities as high as four or five to one—is made mandatory. The *Herald-Statesman* says:

"Automatic redistricting is provided, beginning in 1964 and every eighth year thereafter—whenever registered voter population movements are such as to unbalance the wards. In December of such years the mayor will appoint a commission of five—two councilmen and three other citizens—who will report by the following June 1.

"If any ward is not within 10 per cent of the 'median' figure—the total registered population divided by twelve—new ward lines are described. The council has 60 days to approve. If it fails to do so, the commission report automatically goes to the voters at the next election. . . .

"Redistricting is 'something special' in the political precincts—and it is something that is in high disfavor in the back rooms. For redistricting, let us face it, means the possible demolition of some precious 'little kingdoms' that have been created in either party with very great effort.

"But redistricting is of tremendous importance to every person in the city, to every taxpayer and rentpayer, to every parent and every school child, to every public official and every municipal worker."

## **Annexation Process Tested in Virginia**

Procedure under the annexation law of Virginia, and the meaning of the law itself as recently amended, are receiving an important test in the courts of that state. The case, *City of Roanoke v. County of Roanoke*, was tried in the Circuit Court of Roanoke County, which on May 1, 1961, rendered a decision adverse to the city. On August 18 the city requested the Virginia Supreme Court to review the decision.

The city of Roanoke, which now has an area of 26.18 square miles, seeks to annex 31.2 square miles of the area of Roanoke County, 6.3 square miles of which are stated to be reservoir and

watershed area without population. It instituted the annexation suit in 1959; the suit was conducted before a special annexation court, under the statutes, and included pretrial conferences as well as open court sessions, resulting in voluminous testimony and exhibits.

Virginia law requires the annexation court to "determine the necessity for and expediency of annexation, considering the best interests of the county, the city or town; the best interests, services to be rendered, and needs of the area to be annexed; and the best interests of the remaining portion of the county," and also to "balance the equities." The court went to the extent of declaring that the city had the burden of proof "to show that not only was annexation necessary and expedient but also that it was in the best interest of the city, the county and the territory proposed to be annexed." It held that the city had not borne this burden. It declined to determine that some portion of the area in question could properly be annexed, although not bound by statute to accept the whole area or none.

## **Municipal Consolidation At Issue in Missouri**

Closely following enactment of a bill to ease the procedure for consolidation of municipalities in Missouri, the St. Louis County Municipal League announced the formation of a special committee on consolidation. The new law had been sponsored by the county league as well as by the Missouri Municipal League; it is heralded as providing realistic requirements for municipal consolidation.

The county committee is expected to determine proper criteria to indicate whether consolidation in a particular area is needed in order that local government can provide the required municipal services on an efficient basis and to encourage specific consolidations that appear to meet such criteria.

## Metropolitan Areas

William N. Cassella, Jr., Editor

## Richmond Considers City-County Merger

### Proposes to Consolidate City and Henrico County

**C**ONSOLIDATION of the city of Richmond and Henrico County, Virginia, will be submitted to referendum after the governing bodies of the city and the county have agreed upon the exact terms whereby merger can be effected.

On July 31 the advisory committees created by the two units submitted their joint report to the city council and the board of supervisors of the county. The report<sup>1</sup> contains drafts of the proposed consolidation agreement, a charter for a merged city and county, and implementing statutes.

Consolidation has been under consideration for several years. In 1958 the Richmond Regional Planning and Economic Development Commission, representing the city of Richmond and the counties of Henrico and Chesterfield, retained the services of the Public Administration Service to study area problems and to recommend solutions. In its report, dated January 16, 1959, PAS recommended consolidation of the governments of Henrico County and Richmond into a single unit.<sup>2</sup>

At that time Virginia law did not provide for the consolidation of a city and county; however, the consolidation statutes were amended in the 1960 session of the state legislature to permit such consolidation under certain terms and conditions.

The Henrico board of supervisors adopted a resolution on July 28, 1960, ex-

pressing its willingness to negotiate for the purpose of determining whether a mutually agreeable and satisfactory plan of consolidation could be developed and appointed a three-member Citizens Advisory Committee to represent the county in such negotiations. The Richmond city council adopted a similar resolution on August 15, 1960, expressing its willingness to negotiate and also appointed a three-member Citizens Advisory Committee to represent the city. The two advisory committees held their first joint meeting on September 12, 1960.

Their negotiations extended over a period of almost eleven months, with over one hundred joint meetings. The committees utilized the services of various technical advisors from among the city and county staffs in preparing and analyzing statistical and other data. They also utilized the services of a subcommittee of local attorneys in studying organization of the courts as affected by consolidation.

Although the negotiations dealt with a wide range of subjects, the questions of representation and taxation proved to be the key issues. The negotiators considered many alternate proposals before reaching final unanimous agreement.

The basic recommendation of the advisory committees was a consolidation of the two jurisdictions to become effective January 1, 1963, as an enlarged city of Richmond. The new governing body would be elected at large but, in order to provide for representation of areas, four boroughs of approximately equal population would be established and at least one member of the council would be a resident of each of the four boroughs. To achieve this result "the candidate for council, resident in a particular borough and receiving the highest number of votes at large among candidates resident in such borough, will be declared elected;

<sup>1</sup> *Report of Advisory Committees for the Consolidation of the City of Richmond and Henrico County*, Richmond, Virginia, July 31, 1961, 211 pages.

<sup>2</sup> See the REVIEW, March 1959, page 139.

of the remaining candidates, the five receiving the highest number of votes will be elected; and council will be required to fill vacancies in such a manner as to assure a resident from each borough in council at all times."

The difficult question of providing for an equitable distribution of the tax burden between the urban and rural sections of the consolidated city was handled by proposing that a pattern of real estate tax differentials be included in the consolidation agreement. The Virginia constitution permits the following exception to the tax uniformity clause: "The General Assembly may allow a lower rate of taxation to be imposed for a period of years by a city or town upon land added to its corporate limits than is imposed on similar property within its limits at the time such land is added." (Section 169.)

The report proposes that "the agreement would require that all taxable real estate in the county be assessed at 90 per cent of fair market value for 1963 and that the council of the consolidated city impose a lower rate of tax on real estate in the county area than that fixed for the city area through the tax year 1975, the differential reducing each year in accordance with the schedule." The proposed schedule was developed by considering anticipated revenues from all sources in the county area as well as anticipated requirements for expenditures. As the level of services in the county area is raised the differential would be reduced.

Recognizing the fact that strictly rural areas would be slower in receiving services and improvements of a municipal type, provision should be made that, if it becomes legally possible to do so, the council may impose a lower rate of tax on rural property than would be imposed upon the rest of the property within the consolidated city. Both these arrangements for tax differentials would require amendment of tax legislation by the Virginia General Assembly.

The consolidation proposal provides for assumption by the enlarged city of all debts of the county and sanitary districts. All county property would become the property of the city.

All employees of both the city and the county would be retained; none would suffer any reduction in pay and they would occupy positions as comparable as possible to those occupied at the time of consolidation. County employees would be taken into the city's retirement system with due credit for time spent in the county's service.

Members of both the city (five) and the county (four) school boards would remain in office and be merged into a single school board from the date of consolidation to July 1, 1964. Thereafter, there would be a seven-man school board for the consolidated city.

\* \* \*

The council would establish a department of rural affairs but with the right to abolish it whenever in its judgment its functions no longer justify department status.

All courts of the city and the county would be consolidated into one court of record with the exception of the circuit court of Richmond which has jurisdiction only of certain matters affecting the commonwealth and its officials. For historical reasons, the name selected for the consolidated court was the Hustings Court of the city of Richmond. The new Hustings Court would have all the jurisdiction of the several predecessor courts and all the judges and clerks of the former courts as well as their ministerial officers would be included in its organization. There would be separate divisions for criminal cases, law actions, equity suits and probate proceedings.

Four other courts would be established—a civil court, police court, traffic court, and a juvenile and domestic relations court. All judges and clerks of the former courts and ministerial officers would be

### ***New Nashville-Davidson County Charter Commission***

The voters in both the city of Nashville and the parts of Davidson County outside the city on August 17 gave overwhelming approval to the creation of a second metropolitan government charter commission.<sup>1</sup> This body will draft a plan for the merger of the two jurisdictions which will be submitted to the electorate in 1962. The vote in Nashville was 11,096 to 3,730 and outside the city, 7,324 to 3,848. The plan submitted by the earlier commission was rejected in 1958.

<sup>1</sup> See also page 466, this issue.

transferred into the new court system.

Since the advisory committees' report has been made public, there have been several informal meetings of the board of supervisors and city council as well as public hearings on the subject. Neither governing body has taken any action at this point; however, several questions have been raised concerning the proposed plan of representation. Basically, the questions on representation revolve around the principle of elections at large or by borough. Several combinations have been suggested and are under consideration.

The next step is for the two governing bodies to act on the plan in order that it may be submitted to a referendum in each of the jurisdictions. The advisory committees have recommended that it be put to referendum at the time of the general election in November but there is some question as to whether this schedule can be maintained.

There is a great deal of interest in the proposed merger by individuals and civic groups. One group known as the Greater Metropolitan Committee has been organized for the express purpose of explaining the proposal to the people of both the city and the county. After thorough study by a subcommittee made up of both city and county residents, this group recommended adoption of the plan as proposed.

Several other major groups, including the Richmond Chamber of Commerce and the Junior Chamber, have endorsed the proposal.

### ***Study Analyzes Services In Metropolitan Areas***

As part of its program of studies in metropolitan area organization, the Bureau of Governmental Research at the University of California, Los Angeles, has published *Metropolitan Services: Studies of Allocation in a Federated Organization*.<sup>1</sup>

This report is of particular interest as it deals with the hypothetical situation in which a metropolitan-wide government will be in operation at the same time that municipalities or other local levels of government will continue to perform some functions. It answers the question: "How may the subfunctions be divided among the two levels of government?"

Three major functions of government—health, police and recreation—are analyzed in separate sections. The authors of these sections are, respectively, Beatrice Dinerman, Ross Clayton and Richard D. Yerby. Each devises criteria that are relevant to a particular function and suggests allocations in accordance with the criteria.

The nature of the activity, financial capacity of the administrative unit involved, the administrative capacity of the stated unit, the scope of the problem itself, and the necessary responsiveness

(Continued on page 500).

<sup>1</sup> The bureau, Los Angeles, 1961, 148 pages.

## Oregon Counties Seek Home Rule

### Study Committees Plan Charters in Nine Areas

**C**ITIZENS in nine of Oregon's 36 counties are taking a hard look at the 100-year-old structure of their county governments and are rethinking the role of the county in their communities. Oregon adopted a constitutional county home rule amendment in 1958 and the nine counties have established charter study committees pursuant to 1959 enabling legislation.

The amendment's eight sentences are briefer and probably broader than the county home rule provisions of any other state constitution. They require a county charter to "prescribe the organization of the county government," excepting only judicial officers and district attorneys from possible involvement in reorganization. Moreover, they permit the charter to "provide for the exercise by the county of authority over matters of county concern"—a provision which confers upon charter counties an as yet undetermined amount of local legislative power. (It is significant in this regard that the Oregon Supreme Court has held in the case of city home rule that a matter of "local concern" may be governed by charter or ordinance, state law to the contrary notwithstanding.)

The amendment was adopted by a two-to-one statewide majority after a relatively mild campaign led mainly by the League of Women Voters and the Junior Chamber of Commerce. The Association of Oregon Counties, representing the present county governing bodies, has supported the home rule movement and there has been no organized opposition.

The first county to establish a charter

study committee was Wheeler, the second smallest (population 2,722). The next was Benton, one of the larger counties, and the other seven fall about equally between very small and relatively large counties. Only one of the three Portland metropolitan area counties—Washington—has set up a charter committee.

Demands for local action have come from various sources. In most of the nine counties, the local newspapers initiated proposals for charter committees editorially. In one county the local League of Women Voters circulated a petition and in another the Junior Chamber of Commerce was apparently responsible for getting things started. Marion County—the home of "Massive Cooperation"—was drawn naturally into a charter study as a means of achieving the flexibility necessary to participate fully in intergovernmental cooperation through the joint agencies which are being set up in the Mid-Willamette Valley area.

The enabling legislation requires charter committees to be appointed upon either passage of a resolution by the county governing body or receipt of a petition signed by 5 per cent of the voters. In only one county has it been necessary to circulate a petition. The law also provides for submitting a charter by direct initiative, without creation of a charter committee, but this method has not been used.

The committees have uniformly sought to determine, first, whether a charter is really needed. Of the nine committees seven have definitely decided to go ahead with preparation of a charter and the other two (both in small rural counties) have become inactive. The committees have devoted most of their time to interviewing present and former county officials to determine the need for home



rule and to obtain specific recommendations. A few have held public hearings at which a broad range of pro and con sentiment has been expressed and a great many specific suggestions have been made.

The committees have had the consultative services of the Bureau of Municipal Research and Service of the University of Oregon and Association of Oregon Counties staffs and have been provided with sample charters from other counties as well as the National Municipal League's *Model County Charter*. A turning point for some of the committees came last November when the Association of Oregon Counties sponsored a "County Charter Clinic." There the citizen committees were brought into contact with some outstanding experts for the first time and were given a chance to compare notes with one another.

Three of the seven committees have reached some tentative conclusions and are studying preliminary charter drafts. Jackson (Medford) will propose an enlarged governing body with some members elected by district and consolidation of some elective offices. Jackson has agreed on an administrative assistant under the county council and is seriously considering a plan of submitting his tenure to a vote every four years while retaining the appointing power in the hands of the council. The Benton (Corvallis) charter will propose a seven-member governing body, four elected by districts and three at large. The three at-large councilmen would head the executive branch and would appoint all other department heads.

The third county, Lane (Eugene), will submit a charter which retains the present three-member board of commissioners but will extend their terms from four to six years and will probably strengthen their control over the operations of elective and appointive department heads. All three have agreed that the county should exercise local legislative powers.

There has been but scant interest in

considering the possibilities of functional change under home rule. Some of the charter committees are considering broadening the county's participation in providing suburban services and one is inclined to vest the county with responsibility for area-wide water resource development. Beyond this, most of the charter committees upon investigation seem content to leave the county's present service program pretty much as is, keeping the door open for future change by ordinance or charter amendment.

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The striking thing about the Oregon county home rule movement is that the interest in implementing the constitutional amendment is springing from the various communities themselves and in some cases from within the present county official family. No statewide group is crusading for home rule. Moreover, what is being accomplished is being done largely with the resources available within each community. No formal survey reports have been ordered from outside agencies and only two of the committees have employed part-time technical assistance. There has been a decided resistance against copying organization plans or charter provisions from other jurisdictions.

The first charters will be submitted to the voters in May 1962 and some will probably be submitted in November 1962. Although the charter movement has had the benefit of a favorable press and public opinion, the real test will come when the final reports of the various committees are rendered. Opposition can be expected to materialize around specific charter provisions. As stated recently in a summary article in the *Portland Oregonian*, "It will take some real digging to put over even the best home rule charter in any Oregon county."

KENNETH C. TOLLENAAR  
*Executive Secretary*

Association of Oregon Counties

### **County Functions And Personnel Analyzed**

A finding that Wisconsin counties perform at least 375 separately identifiable tasks is reported in a survey of county government by the Bureau of Government at the University of Wisconsin. A companion survey on the number and kind of county personnel clearly points out that Wisconsin places on its counties an unusual amount of responsibility for services which elsewhere in the country is done directly by state agencies.

*County Government Activities in Wisconsin* (Madison, 1961, 72 pages) and *Personnel Forces in Wisconsin Counties* (1961, 36 pages) are two studies in a series by the Wisconsin bureau. An initial study was prepared for the Wisconsin County Boards Association.<sup>1</sup> Collectively these two studies give a clear picture of what county governments actually do in that state and the number of employees involved in each type of activity.

One of the conclusions of the survey, as might be expected, was that the "number of activities performed varies considerably from county to county." Also, "The county to a large extent in theory and practice operates as a state agent. It has considerable discretion in deciding to perform certain activities and in determining the level at which they shall be carried on. In many of its most important activities the county functions as one of the partners in a federal-state-county operation. This intergovernmental relations system thus conditions the individual tasks and the performance of tasks that the county undertakes."

Another conclusion is that "the Wisconsin county is not very much in the local government business as revealed

by the tasks that the counties performed in 1958. The areas in which the county does some activities primarily of local significance are in health, law enforcement, parks and recreation. In great part the tasks which the counties do are part and parcel of a statewide system. Yet within the context of this statewide system counties vary in the quantitative—and presumably qualitative—level at which they perform these tasks."

The survey classified county functions as follows: general government, judicial, protection of persons and property, highways, education, health and welfare, and parks and conservation. "There is evidence that the large urban counties tend to perform more general government activities . . . than do the other counties."

The activities included under general government are legislation, personnel administration, property assessment, collection and custody of funds, disbursement and control of financial transactions, custody of buildings and grounds, purchasing and motor transportation, legal advice and action, elections administration, planning and zoning, plus other miscellaneous activities.

The companion study on personnel forces in counties had many interesting conclusions including: "Although large (populous) counties typically had large work forces, there seemed to be no consistent relation between the size of a county's population and the size of its work force."

"In 1957 the county work force comprised about 15 per cent of the total state-local work force and was exceeded in size by personnel forces of the municipalities, of the school districts and of the state itself. Comparisons with 1950 figures indicate that the county personnel force is growing in size—at a faster rate than personnel forces of the municipalities, towns and special districts but at a slower rate than those of the state and the school districts. . . .

"Analysis of the county work force

<sup>1</sup> The first publication in this series was *County Government and the Problems of Urban Expansion*, Madison, 1959, 108 pages. See the REVIEW, July 1959, page 381.

according to seven major functional grouping reveals . . . :

"Health and welfare, highways and general government . . . rank in that order in number of personnel and together account for more than three-quarters of the total work force."

## **New York Counties Will Vote on New Charters**

New charters or charter revisions are under consideration in several New York State counties. New charters will go before the November electorate in Onondaga and Oneida Counties. A study committee has been established to analyze the future course of government in Broome County with possible revision of the charter being one item on its agenda. Revision is also being studied in Nassau, which in 1937 adopted the first home rule county charter in the state.

The Onondaga and Oneida proposed charters call for an elected chief executive officer, armed with considerable budgetary powers, who would be in charge of a more centralized administrative structure that would eliminate many of the boards and commissions now in existence. The county board of supervisors would continue to be the legislative, appropriating, governing and policy-determining body of the county. The heads of the department of audit and control and department of records plus the sheriff and district attorney would remain elective positions; all others would be appointive.

While the two charters are similar in general outline, they vary in several important particulars, for example, the chief executive officer in Oneida County would be armed with certain veto powers over the decisions of the board of supervisors, a prerogative not to be enjoyed by Onondaga's executive.

Various forms of the elective strong executive form of county government are already in operation in New York and

their generally accepted success has had a decided influence upon charter commissions throughout the state.

W.J.D.B.

## **Ohio Provides Alternative Forms of County Government**

Ohio's General Assembly has adopted a bill which provides alternative forms of county government. The action came 28 years after the people of Ohio had passed an amendment to the state constitution authorizing such action to be taken by the state legislature.

The bill provides for the alternatives of an elected or an appointive county executive and for alternatives of three, five, seven or nine county commissioners.

Considerable citizen organization support had been placed behind a proposal that would have allowed the abolition of any elected county officer position—coroner, recorder, engineer, treasurer, clerk or sheriff—but such suggestions were defeated in committee.

For the citizens of a county to be able to adopt a new charter, 10 per cent of the electors in the preceding gubernatorial election must petition to submit one of the alternatives to the voters, who may approve it by majority vote. This is a considerably more difficult process than authorization that two-thirds of the county commissioners may place it on the ballot, which provision was amended out of the bill.

W.J.D.B.

## **Senator Says N. Y. Counties No Longer 'Horse and Buggy'**

A New York legislative leader feels that many county governments in that state are "glistening, sleek agencies of government, moving so far ahead of other levels of government that the academicians have not been able to keep up with the new developments." Senator Walter J. Mahoney, president pro tem

of the State Senate, writing in the New York publication *County Government*, added that he hoped "the good professors are no longer scornfully looking upon county government nor imbuing students with superficial nonsense about 'horse and buggy' government."

According to the senator, "Counties are meeting frontally and courageously the new challenges that stem from the great boom in population moving concentrically out of our urban centers." Major new advances being made by counties are in five areas: (1) Taking on new functions from smaller units of government, (2) developing long-range planning, (3) courageously moving to put themselves on a sound fiscal basis, (4) meeting the challenge of regional and metropolitan growth and the urbanization of counties, and (5) "responsibly meeting new, critical problems stemming from technological developments."

"Nor are our counties sitting back content with their old forms of government. The Broome Board of Supervisors has approved a local law granting broad executive powers to its chairman and creating a new post of administrative assistant to the chairman to handle budgetary and other staff operations. We have county executives or managers in Erie, Westchester, Nassau, Suffolk and Monroe; and before critics begin their carping that this is not enough, it should be pointed out that many a county board of supervisors chairman is really serving as business manager but without the title and without the pay!"

In concluding his article, Senator Mahoney said: "The counties today are like tall, robust teen-agers . . . with a bright future ahead. While the cities attempt to mend their crumbling slums and while towns cope with growing pains, the counties will, I am confident, provide the great big burst of progress in local government during the next quarter of a century."

## METROPOLITAN AREAS

(Continued from page 495)

to the clientele of the individual function are the major standards established.

In all three major functions it was found that total centralization was politically infeasible and might ignore some of the real values and interest of sub-communities within the metropolitan area.

Separate responsibilities and subfunctions are allocated respectively to the metropolitan and local levels; detailed explanation and criteria used are cited in each instance.

### **Dade County Voters Delay Reassessment**

Overwhelming approval was given to an amendment to the Dade County charter which repealed the sections requiring reassessment of all real and tangible property. The August 15 vote was 114,016 to 11,828. County Manager Irving G. McNayr had urged the voters to approve the amendment. He indicated that the charter provision did not allow sufficient time for an adequate reassessment. McNayr's contention that the assessment program was inadequate was upheld in a decision of Circuit Judge Phillip Goldman who stated: "Not one single solitary parcel of taxable property in Dade County was actually appraised by a person qualified to do so."

### **Committee Prints Advisory Commission Report**

*Governmental Structure, Organization and Planning in Metropolitan Areas—Suggested Action by Local, State and National Governments*, a report by the Advisory Commission on Intergovernmental Relations<sup>1</sup> (U.S. Government Printing Office, Washington, D. C., July 1961, 83 pages) has been published by the Intergovernmental Relations Subcommittee of the House Committee on Government Operations.

1. See the REVIEW, June 1961, page 318.

## Taxation and Finance

William J. D. Boyd, Editor

## Airports Help Local Economy

### Air Facilities Center Of Industry, Commerce

CONTINUED emphasis is being placed upon the development of municipal airports in recognition of their importance as commercial, industrial and marketing centers for the entire region they service. The influence of the airport goes far beyond the mere technical operation of airplanes and includes such things as plant location, hotels and other important factors.

Many cities have reacted to the increasing importance of such facilities through creation of special departments of aviation within the municipal government. Increasing demands have been made, and are being met, to expand the nation's number of airports to include most medium-sized and many smaller communities. Airport industrial parks have sprung up at the airports of many larger cities such as Miami, Nashville, Tampa, Dallas, New York, Buffalo, St. Louis and San Francisco.

In an address before the Municipal Forum of New York, Leigh Fisher, head of a San Francisco firm of airport planning, market and financial counsellors, noted the attractive investment opportunities these developments offer. "The air cargo boom is just beginning and in the next ten years you will see 'cargo cities' developed on many U.S. airports which will create additional investment opportunities."<sup>1</sup>

Mr. Fisher also cited the numerous examples of centralization around non-airlines airports including one 10,000-

acre complex growing up north of Los Angeles around a 4,300-foot business aircraft runway.

*Western City Magazine*, official publication of eleven western state municipal associations, ran a two-part article on "Municipal Airport Operation in the West."<sup>2</sup> Details were given on such futuristic airport facilities as improvements planned at Los Angeles, San Francisco, Oakland and Santa Monica. Also described were many more modest operations such as those at Banning and Fullerton, California. Neither of the latter fields have any regular commercial feeder lines in operation, yet these airports record an impressive list of total flight movements in executive and private aircraft.

On June 17, Salt Lake City dedicated its new jet-age terminal, which was the biggest capital improvement project in the city's history. While the total facility cost over \$4 million, city taxpayers will not be billed anything for its construction via their municipal taxes. Approximately \$1.5 million of the construction costs were defrayed by the federal government. The remaining \$2.5 million was raised through twenty-year obligation bonds sold by the city.

Hot Springs, Arkansas, is now completing a \$450,000 improvement of its airport which will make it one of the most modern for its size in the south. Again, federal assistance played a large part in the financing of the program.

Aid authorized by the Federal Airport Act has played an important role in the expansion of air facilities throughout the United States. The House recently passed a five-year extension of the act but eliminated the "contract authorization" financing method and voted a return to annual appropriations. The latter method

<sup>1</sup> As quoted in *The Maine Townsman*, June 1961, page 5.

<sup>2</sup> June and July, 1961.

has been severely criticized as having hampered airport development in the years immediately following World War II. The Senate Commerce Committee has reported out bill S. 1703, which retains "contract authorization."

The Senate Committee report on S. 1703 states:

Clearly, the inadequacy of the airport program between 1947 and 1955 is ample demonstration that the annual appropriation system is not adequate. . . . The appropriations system contributed in substantial degree to the failure to accomplish more than a small portion of the projects contemplated by the original act.

Your committee wishes to make clear its conviction that local communities must be given the necessary time required for airport planning with the firm assurance that federal funds will be available when necessary if they are to be in a position to avail themselves of the assistance authorized under the act.<sup>3</sup>

Senate-House settlement of this issue is being keenly watched by municipal associations. Awareness of the increased importance of the local airport is readily apparent in the number of official publications of state municipal associations that are carrying articles on the subject, only a few of which have been cited in this commentary.

## Seek State-Local Tax Immunity

President John F. Kennedy has ordered Treasury and Internal Revenue Service officials to meet with representatives of state and local governments in an effort to achieve guarantees of the tax immunity of income earned by insurance companies from state and local government bonds.

The presidential order was the direct result of an earlier meeting he had held with a three-man delegation of local

officials who had asked that the "exclusion clauses" of the Life Insurance Act of 1959 be implemented. Failure by the Internal Revenue Service to issue an implementing regulation under provisions of the act had placed a cloud of doubt over the tax-exempt nature of local revenue bonds.

The delegation was composed of Governor David A. Lawrence of Pennsylvania, Mayor Richard J. Daley of Chicago, and Beverly Briley, general counsel of the National Association of County Officials.

The Life Insurance Company Act of 1959 employs certain prorationing systems which, unless the exception clauses are implemented, would require the companies to charge part of operating expenses to tax-exempt income. Last year the Senate Finance Committee added the exception clauses to make clear it was the intent of Congress that there be no taxation of state and local government bonds.

Life insurance companies are not the largest investors in such securities but any precedent of law that would remove the tax immunity from their holdings would adversely affect the entire market. Since the federal agencies have been remiss in issuing clarifying regulations, some large insurance firms have disclosed their intention of going to court to get a legal opinion on the matter. Local officials wish to avoid such action. While they are certain the courts will rule that the intent of Congress was clearly on the side of continued tax immunity for state and local bonds, local authorities fear that sustained litigation would so adversely affect the market as to cost their governments many millions in added interest charges and slow the sales of such securities.

A similar delegation had approached former Secretary of the Treasury Robert B. Anderson in January 1960 with little success.

While no time limit was set by the

<sup>3</sup> As quoted in *American Municipal News*, August 12, 1961.



President as to when he wanted the Treasury-Internal Revenue Service study completed, he did ask that it be done as soon as possible so that he might then "ask for appropriate action."

### **State, Local Retirement Funds Hit Record High**

More than \$18.5 billion of financial assets were reported in state and local government employee retirement systems at the close of fiscal 1960, according to figures released by the Bureau of the Census.<sup>1</sup> This is an increase of \$2.2 billion over the previous year, most of which came through increased investment in nongovernmental securities such as corporate bonds, stocks and mortgages. This is a continuation of a trend noted several years ago.<sup>2</sup> In 1954 such holdings represented but 25 per cent of retirement fund assets whereas today they represent slightly over 43 per cent.

Almost two-thirds of the total state-local retirement system receipts and assets were held by state administered systems. The report notes, however, that many such state operated plans cover local government employees rather than, or in addition to, state government employees.

State-by-state coverage is given in detail in the report.

### **Municipal Revenues Show Increase**

Total revenues of all city governments in the United States approached \$15 billion during the fiscal years that ended in 1960. The total of \$14.9 billion marked a 8.5 per cent increase over the 1959 total of \$13.7 billion, according to data released in the Bureau of the Budget's *Summary of City Government Finances*

in 1960<sup>1</sup> and *Compendium of City Government Finances in 1960*.<sup>2</sup>

Total revenue includes all revenues received from external sources by the municipalities and their dependent agencies. General revenues, which exclude utility and employee retirement amounts, was \$11.6 billion in 1960 as opposed to \$10.6 billion the year before.

Municipal expenditures also increased to a total of \$15.3 billion, but at a slightly slower rate than revenues increased, expenditures being 5.3 per cent greater than in 1959. By far the largest outlay of funds went to education, though this spending was done by only a small fraction of the total number of municipal governments (including, however, New York and a few other large cities). Most communities have local public school districts and their financial figures are not included in the totals given in the federal government report.

The debt of cities now totals \$23.2 billion, \$14.5 billion of which is in long-term indebtedness that has the backing of the cities' full faith and credit, \$7.4 billion of nonguaranteed long-term debt, and nearly \$1.3 billion short-term debt.

### **Small Firm Bid Wins California Bonds**

To the astonishment of the financial community, a syndicate headed by the Bank of America National Trust and Savings Association (the largest financial concern in the United States) was outbid on a \$100 million California state bond issue. It was the first time since 1956 that more than one bid had been received on a major California bond sale. Newspaper reaction ranged from the *New York Times* report of August 17 that read "Wall Street was momentarily rendered breathless yesterday at the achieve-

<sup>1</sup> *Finances of Employee-Retirement Systems of State and Local Governments in 1960*. Bureau of the Census, Washington 25, D.C., 1961. 24 pages, 25 cents.

<sup>2</sup> See the REVIEW, June 1960, page 387.

<sup>1</sup> Bureau of the Census, Washington 25, D. C., 14 pages, 25 cents.

<sup>2</sup> U. S. Government Printing Office, Washington 25, D. C., 84 pages, 45 cents.

ment of a small bond house in outbidding a nation-wide syndicate," to the *Weekly Bond Buyer's* August 21 article by Arthur R. Guastella that began: "The bombshell bid by a small, virtually unknown firm . . . did more than just raise the hackles on the backs of municipal bond dealers and underwriters."

The winning bid on the \$100 million state school building-aid bonds was submitted by the State Street Securities Corporation of Albany, New York. Its bid was made at an average net interest cost of 3.7544 per cent as opposed to the 3.8601 per cent bid of the Bank of America syndicate. State Treasurer Bert A. Betts claimed that this "represents a saving of over \$1,500,000."

At the same time, and equally important, the state refused bids on an additional \$125 million of bonds on which only the Bank of America concern entered a bid. It is not an unusual policy for the state of California or several other units of state and local government to reject bids, waiting for more favorable interest rates obtainable at a later date.<sup>1</sup>

In conjunction with the state's action in accepting the lower bid offered on just part of the total \$225 million offering, however, the resultant shock included some large elements of indignation among members of the financial community.

In his *Bond Buyer* article Mr. Guastella commented:

"Many would have preferred to see the state either reject all bids or award the entire \$225 million rather than award just \$100 million even though the latter is politically more realistic . . .

"The California incident also raises some question about the propriety of a municipal bond broker acting as a distributing agent in this situation. On this point opinion is pretty much divided.

There are those who feel that as long as a broker is dealing with one professional on behalf of another professional it makes no difference whether the number of bonds involved is 100 or 100,000. Still others question whether this is a proper function for a broker since he has no underwriting liability . . .

"One thing is certain. This incident has stimulated a great deal of soul searching particularly on the part of syndicate managers and its repercussions are likely to be felt for some time to come."

### ***NIMLO Members Discuss Bid-rigging Damages***

New York City's Waldorf-Astoria was the site of the 26th annual conference of the National Institute of Municipal Law Officers held September 24-27.

One item ranking high on the agenda was discussion of NIMLO's actions regarding the recovery of damages from the electrical bid-rigging conspirators.<sup>1</sup> A special task force of the organization has been established to investigate the most practical ways for member cities to go about recovering damages estimated to run into many million dollars. A special report by the task force was the topic of one of the conference's panel discussions. Senator Estes Kefauver addressed delegates on the subject of Senate investigation of bid-rigging conspiracies and its effect on cities.

Other panels and workshops were on "Planned Community Development Districts," "Tort Immunity Doctrine—Recent Cases Endangering," "New Developments and Problems in Municipal Law," "Regulation of Coin Operated Self-Service Dry Cleaning Machines," and "The Interest of Cities in Atomic Power."

<sup>1</sup> See the REVIEW, June 1961, page 324.

<sup>1</sup> See the REVIEW, September, 1961, page 442.

## Citizen Action

. . . . . Elsie S. Parker, Editor

## Jaycees Stage Mock Convention

### Arizona Group Will Study Constitution

**S**PEARHEADED by Phoenix Jaycees, the Arizona Junior Chamber of Commerce has undertaken to conduct a "Model Constitutional Convention."

We in America have been ruled by a concrete and simply composed document that has been the foundation of government for each of the 50 states—the United States Constitution. When the founding fathers launched us into this era of living under a "higher written law," they also developed means for a review of the constitution. Review of the written law is necessary to formulate an effective philosophy of government.

The Jaycees are reviewing the constitution of Arizona, and are also following the fourth principle of the Jaycee creed, that governments should be of laws rather than of men. It is believed by many that a constitutional convention could accomplish in one sweep what otherwise could be done only through twenty years of effort. A good many Arizonans involved in political activity, including Governor Paul Fannin, frankly welcome this new project.

On November 10, 11 and 12, the Jaycee Model Constitutional Convention will be held in Phoenix. Each local club will be allowed six delegates and may elect up to six alternates. Each club will take a section of the constitution for study and will present its recommendations at the convention. For example, the Bisbee Jaycees have chosen education.

As stated in the *Arizona Republic*, "Operation constitution is setting fires

in areas all over Arizona for one reason, in that it will provide a means of opportunity to streamline our state government—to modernize our governmental functions and operations and produce a more efficient and effective means of accomplishing more for a growing and vital state."

An example of our present constitutional limitations is that the governor has a short two-year term in office. With the tremendous work load of our state government, it seems only reasonable that he should have a four-year term. It takes him a year to familiarize himself with his staff and duties and the second year he must start his campaign rolling for the on-coming election. Also, the governor's salary is written into the constitution at \$4,000. These matters need careful review.

The original constitution of Arizona was adopted in 1910. With the rapid growth of the state we have become acutely aware of the need for a thorough review of its contents.

The aim of the Arizona Model Constitutional Convention (MCC) is to review the present constitution and would culminate in one of three courses of action:

1. No recommendations for change;
2. Some proposed additions, deletions or specific revisions within the present document;
3. A completely revised constitution to be offered for the ratification of the people at a specified election.

Says the MCC director, Arthur A. Schwartz: "If this convention does nothing more than consider the sections of our present constitution and educate the people of this state to its workings and the workings of a constitutional convention, we will feel that this has been

an accomplishment worthy of the Jaycee name."

H. GEORGE ZIMMERMAN  
*Chairman of Publications*

Arizona Model Constitutional  
Convention

## Neighborhood Groups Have Many Projects

Worcester, Massachusetts, a city of 187,000 with 59 neighborhood improvement associations, has demonstrated that organized action by private citizens on the neighborhood level can play an important part in the battle against blight. These improvement associations have from 22 to approximately 500 active members. Although several neighborhood groups are old—one was founded before the turn of the century—it was not until Citizens for Neighborhood Improvement was formed, in March 1957, that a concerted effort was undertaken to organize new improvement associations and to stimulate existing ones to greater activity. Citizens for Neighborhood Improvement is a city-wide volunteer citizen committee dedicated to the improvement of housing and neighborhood conditions.

Objectives of neighborhood improvement associations are many and varied: elimination of health, fire and safety hazards; repair or demolition of abandoned buildings, enforcement of codes by city officials, public support for city programs designed to improve neighborhood conditions, maintenance of neighborhood war honor rolls, relocation of tenants displaced by public projects, traffic control, improved playground facilities, improved school facilities, and an educational program on littering, assessment of property, sources of assistance and tenants' rights and responsibilities.

Several groups have undertaken other civic and social programs: helping distressed families, getting out the vote on election day, providing social facilities

for the elderly, holding Christmas parties for underprivileged children, performing works of charity, and combatting juvenile delinquency by sponsoring dances, Fourth of July and Halloween parties and other recreational facilities. The Oak Hill Improvement Association, for example, has held a neighborhood home show and a conference on job opportunities for teen-agers. The East Side Improvement Association annually grants a \$600 scholarship to a worthy student.

Activities of the Oakland Heights Improvement Association, which has 22 members living in an area which comprises three streets each approximately one-third mile long, further illustrate the operation of neighborhood improvement groups in Worcester. The association was organized in September 1955 to improve private streets in the immediate area.

The drainage problem was solved when men, women and children all worked together and put in large culverts and ditches to carry off excess water during heavy rains. Streets were prepared for gravel and oiling; two-thirds of the streets have been blacktopped by the association. The city was persuaded to install additional lights on two streets and to resurface a nearby public street.

In 1956 the license board was about to issue a junk dealer license in the area when the Oakland Heights Association hired a lawyer to represent it in opposition to the granting of the license: license denied. In 1957 the group applied for an acre and a half of tax title land for use as a playground and recreation area and in 1959 the land was turned over to the association with the stipulation that it develop it at its own expense. Swings, slides, sand boxes and picnic benches have already been installed and a basketball court and skating rink are being constructed.

Funds for these and other projects have been raised through the sale of greeting cards, dish cloths, aluminum pie savers, waste paper collections held

every three months, home baked goods sales, scrap iron collection by the men, apples and candy sales by the children, back yard variety shows put on by the children, auctions, whist parties, rummage sales, etc.

The association has spent well over \$5,000 on street improvement and the playground. Funds were used to hire bulldozers and purchase concrete, black-top and other supplies; most of the labor was done by members of the organization—men, women and children.

JOSEPH F. ZIMMERMAN  
Worcester Polytechnic Institute

### ***Nominations Open For Edison Awards***

The Thomas Alva Edison Foundation announces that nominations are now open for its national radio and television station awards for serving youth in 1961. These annual awards give national recognition to a local radio and a local television station which have distinguished records of program service to youth. Each of the winning stations will receive an Edison scroll and a \$1,000 scholarship to be awarded to an outstanding local high school senior selected by a local committee.

Nominations are made by the 73 national civic organizations cooperating with the foundation. Local groups of these organizations are requested to submit a statement of a thousand words describing the achievements of the station they nominate. The awards will be made at a dinner at the Waldorf-Astoria Hotel in New York City on January 17, 1962. Further information may be obtained from the Thomas Alva Edison Foundation, 8 West 40th Street, New York 18.

### ***Massachusetts Citizens Work for Convention***

Seven distinguished Massachusetts citizens have pledged to continue efforts to secure a state constitutional convention. Signers of a prepared statement

to this effect include: Dean Erwin N. Griswold, of the Harvard Law School; Rev. Robert F. Drinan, S.J., dean of Boston College Law School; Professor Robert R. Robbins, chairman of the government department at Tufts College; William A. Waldron, former director of the Massachusetts Baby Hoover Commission; Jerome L. Rappaport, counsel for Charles River Park, Inc., and G. d'Andelot Belin and Morris M. Goldings, prominent Boston attorneys.

The statement declared: "We still firmly believe that the commonwealth would profit from a constitutional convention. The record of the legislature since the 1917 convention, particularly during the past fifteen years, clearly indicates that only a convention offers the possibility of a vote by the electorate on . . . proposed constitutional changes."

The statement enumerates the many changes necessary to bring the constitution up to date.

### ***Report on 'Con Con' Candidates***

Civic Searchlight, Inc., formerly the Detroit Citizens League, devoted its July issue of *The Civic Searchlight* to a "Voters Guide" on primary candidates for delegates from Detroit to the Michigan constitutional convention scheduled to meet this fall. Certain candidates were rated as "preferred" or "qualified." Those not in these categories were listed with no comment. The September issue of the *Searchlight* makes a report on all Detroit candidates running in the final election of September 12, including con con delegates, mayor, city treasurer and councilmen.

### ***Accomplishments Reported***

In its *Citizen's Report* for Summer 1961, Civic Progress, Inc., of Wichita, Kansas, lists its recent accomplishments and future plans: A review of the budgets of the city, county, board of education and Wichita University; sponsoring of Urban Land Institute Panel if necessary

funds can be raised; entering Wichita in the All-America Award contest of the National Municipal League; continued support of reappraisal culminating in appointment by the county commissioners of a professional appraisal firm for this task; continued support of annexation.

### **LWV Publications**

*School Survey Guide*, published by the League of Women Voters of the United States (1026 Seventeenth Street, N.W., Washington 6, D.C., 1961, 20 pages, 35 cents) is a questionnaire guide designed for the use of local leagues, or other citizen groups, to assist them "in carrying out a study of the organization, operation and financing, as well as the educational program, of a local school system." The guide is divided into two parts—school system and school program.

The League of Women Voters of Colorado (1545 Tremont Place, Denver) has issued two publications under the general head *Cooperation or Confusion*: (1) *Local Government in Colorado* (1960, 46 pages, 50 cents); (2) *The Urban and Metropolitan Problem in Colorado* (1961, 61 pages, 65 cents). They may be ordered together for \$1.00 plus ten cents postage. The first pamphlet discusses counties, municipalities, school districts and special districts in Colorado with a chapter on the distribution of property tax revenues and a bibliography and glossary. The second discusses the urbanization of the state, analyzes services and problems in urban and metropolitan areas, and evaluates possible solutions, i.e., intergovernmental arrangements, metropolitan special districts, annexation,

city-county separation, city-county consolidation and federation. A short bibliography is included as well as comparative statistics for the cities covered by the study.

Another LWV pamphlet dealing with metropolitan areas is *Today and Tomorrow in the Lansing Metropolitan Area—Local Government in Lansing, East Lansing, Meridian Charter Township, Ingham County and Problems of the Metropolitan Area*. It is published by the League of Women Voters of the Lansing (Michigan) Area (Lansing, 1961, 71 pages).

### **Other Publications**

The Atlanta Voters Guild has issued *The Inquiring Voter Asks About Campaign Issues in the Atlanta City Elections 1961* (416 Grand Theatre Building, Atlanta 3, Georgia, 1961, 15 pages). The pamphlet answers such questions as these: If candidates suggest changes in the city government how can such changes be made? What are the principal forms of city government; if candidates promise a new airport, stadium, concert hall or any other capital improvement, how are they to be financed? If the candidates promise increases in salaries for city employees, how will they be financed? Questions also cover the school board.

*Newspapers and Magazines Throughout the Nation Support the American Heritage Foundation's Nonpartisan Educational Program to Modernize Archaic Election Laws* reproduces many news stories and editorials on the foundation's activities (11 West 42nd Street, New York 36, 1961.)



## Report on Florida City Managers

### Questions on Tenure, Policy-Making Asked

IN 1960 the Social Science Research Council made a grant of \$15,570 to Gladys M. Kammerer, director of the Public Administration Clearing Service of the University of Florida, for a group study of the reasons for the apparent shortness of tenure of city managers among the 108 manager cities in Florida as compared with the *Municipal Year Book* figures for the country as a whole. Field studies being rare, the report of this group has been awaited with lively interest.

*Florida City Managers: Profile and Tenure*, by Gladys M. Kammerer and John M. DeGrove (the Service, Gainesville, 1961, 36 pages, \$1.00), verifies the relative shortness of tenure—3.66 years is the average in Florida as compared with 5.49 in Virginia, for example—and relates this fact successfully to the greater turbulence of government throughout Florida with its enormous increase in population in the sixteen years since the end of World War II. The study breaks down the findings to show that in some of the relatively stable communities and the ones which hired local citizens as managers, the tenure was longer than in those cities where there was more activity and contention.

Questionnaires to the city managers brought in replies from 76, resulting in the development of nineteen tables, most of them indicating facts which are in line with the national experience. Manager salaries in Florida, for instance, come out slightly lower than the national average.

Moving on to broader aspects, the report sets up an incorrect picture of the original doctrine of council-manager government from its earliest development and seizes on the idea that whereas the council was debarred as far as words could do it from intervention in administration (true), the manager was likewise debarred from intervention in policy (untrue). On the latter supposition the report goes on to demonstrate, as has been richly shown by Clarence E. Ridley,<sup>1</sup> that managers figure importantly in policy-making even though they have no vote in actual official policy determination. This is not contrary to the early concept of the plan but is in full accord with it. The successive *Model City Charters* of the National Municipal League in 1915 and ever since have given the manager the duty of attending council sessions and participating in discussions, and in the 1925, 1933 and 1941 revisions added the duty of recommending policy.

The report also implies that the intent that managers should stay out of politics means they should stay out of policy. Not so! Managers should and do stay out of election fracas and factions, which is what the jargon of reformers means by "politics." The finding that managers figure in policy matches the intent which from 1911 till now has given managers a front seat and a voice in council to be sure he does so figure!

R.S.C.

### Piedmont Crescent Is Subject of Studies

The purpose of the research done for *Land Development Patterns in the Pied-*

<sup>1</sup> *The Role of the City Manager in Policy Formation*, International City Managers' Association, Chicago, 1954).

mont *Industrial Crescent*, by F. Stuart Chapin, Jr., George C. Hemmens and Shirley F. Weiss, in collaboration with Thomas G. Donnelly (Institute for Research in Social Science, University of North Carolina, Chapel Hill, December 1960, 83 pages, \$1.00), is "to devise a systematic means for defining and measuring land development patterns of cities and to develop an approach for identifying the major factors that influence the form of these patterns." There is thus a strong methodological emphasis in the study, yet, as the authors point out, there is great interest in seeing the methods applied "to a sufficient degree to afford opportunity for generalization and for testing some of the concepts of the scheme that are outlined."

The specific area of study is a cluster of communities and outlying areas midway in the North Carolina section of the Piedmont containing about a half million population in the five cities of Winston-Salem, Greensboro, High Point, Thomasville and Lexington.

The report, one of a series in the Urban Studies Program of the institute with a grant from the Ford Foundation, is divided into four sections: the introduction outlining purposes of the study and the locale; the rationale of land development study; the pilot investigation, including hypotheses, the research design and findings; and, finally, the applications of research in policy formulation, outlining the methods of identifying land development problems and the possible alternatives to solutions of such problems.

### ***Assembly Discusses Illinois Local Government***

An analysis of local government and the ways in which it may be made more viable and responsible was the subject of the Assembly on Illinois Local Government held in January of this year and sponsored by the Institute of Gov-

ernment and Public Affairs of the University of Illinois.

While the particular conditions extant in Illinois received special attention, the general conclusions of the assembly are applicable to the entire local government scene in America. Highlights of its summary findings include the following observations:

Reorganization, consolidation and reduction of overlapping jurisdictions of local governments are needed in order that a clearer line of responsibility between the voter and local government may be drawn.

The county has not been utilized as much as it can be in providing appropriate services; its functions should be expanded under modernized patterns. . . .

Consideration . . . [should be given to] the appointment of certain presently elected officials whose functions are purely administrative.

Organized partisanship is desirable at the local level to stimulate and maintain popular participation. National party labels are not always necessary; local party labels can also serve the purpose of providing competition between two identifiable groups. . . .

The executive branch of the state government should concern itself with providing advice to and information for local officials, especially those newly elected. . . .

There is a need for more cooperation between governmental units at various levels. . . . Statutes should be expanded to authorize intercounty and municipal-county cooperation.

Services are the primary responsibility of local governments, but the provision of particular municipal-type services should be locally determined. The extent and kinds of public services will vary from area to area.

These findings were the result of the meeting of some 40 local government leaders who were divided into three round-table sections, after which a general assembly was held. Background papers were presented on the various topics up for discussion and a final report was written; all are included in *Illinois Local Government, Final Report*

and *Background Papers, Assembly on Illinois Local Government, Allerton House, Monticello, Illinois, January 18-20, 1961*, edited by Lois M. Pelekoudas (the Institute, May 1961, 94 pages).

"The Local Government Concept" is the title of a paper by Gilbert Y. Steiner; "Local Government in Intergovernmental Perspective," is by Daniel J. Elazar; and "Local Government and Local Politics," by Samuel K. Gove. The topic, "Legal Status of Local Government," is divided into two sections written by George M. Platt and the staff of the Illinois Municipal League Committee on Home Rule. "Municipal Services in Illinois" are described by Charles M. Kneier and "County and Township Functions in Illinois" by Irving Howards.

### **Upper Midwest Study Now in Progress**

In 1958 the Upper Midwest Research and Development Council was organized by several foundations, businesses and individuals with the purpose of accelerating the economic growth of Montana, North and South Dakota, Minnesota and the northern halves of Wisconsin and Michigan. As a pioneer in area-wide development, it received a Ford Foundation grant of \$900,000; the University of Minnesota then became a joint sponsor of the Upper Midwest Economic Study; and in June of this year *Accelerating Economic Growth* (the council, 10 Vincent Hall, University of Minnesota, Minneapolis 14), a ten-page pamphlet on study and action, was published.

It presents the background of the problems stimulating formation of the council, a financial statement including sources of funds and their anticipated uses, a list of staff associated with the project, cooperating educational institutions and the program for action. This will include: "(1) Factual information depicting the region's current economic

position, (2) a general analysis of how this position is likely to change in the future, and (3) an identification of alternative actions to accelerate regional growth and meet problems associated with change."

Also published in June was the council's first technical study—*Four Papers on Methodology*, by James M. Henderson, R. Stephen Rodd, Larry A. Sjaastad and Anne O. Krueger (82 pages). Chapters discuss "An Economic Analysis of the Upper Midwest Region," "Information for an Economic Analysis of the Upper Midwest Region," "Migration in the Upper Midwest," and "Interrelationships Between Agricultural Income and Population."

The council's work has been called the "most comprehensive attempt in the United States to acquire . . . understanding on a broad regional basis." Donald K. David, chairman of the Committee for Economic Development (CED), goes on to say, "The action programs to be developed from this project will be important for private decision-making and public policy."

### **Farm District Votes Analyzed in Illinois**

In the June 1961 issue of *Illinois Government*, publication of the Institute of Government and Public Affairs of the University of Illinois, Charles B. Hagan and Carl D. McMurray attempt to measure the relationship of the voting patterns of Illinois congressmen on agricultural legislation and the type of district from which they come. The authors' basic hypothesis is: "Representatives from districts similar in terms of agricultural variables may be expected to vote together on agricultural measures." The results of their research are outlined in "Illinois Congressional Representatives and Agricultural Legislation" (the Institute, 1201 West Nevada Street, Urbana, 4 pages).

The state's 25 congressional districts were divided according to the amount of farm employment found therein; districts had to have at least 5 per cent of the working force employed on farms to be classified as agricultural. They were further grouped according to the amount of cash crop production. The votes analyzed were those on the roll calls in the second session of the 83rd Congress (1954), both sessions of the 84th and 85th and the first session of the 86th Congress (1959).

Four relatively stable voting blocs on agricultural legislation were found: "(1) A hard core Democratic metropolitan bloc, (2) a hard core Republican farm and metropolitan bloc, (3) a shifting segment of the Republican delegation (farm districts), and (4) a shifting segment of the Democratic delegation (metropolitan and farm districts)."

The authors expected, as shown by their hypothesis, that perhaps the agricultural district members would cross party lines to vote on the side of the farmers they represent. The study showed, however, that: "Agricultural interests and agricultural concerns are not necessarily the dominant influence on representatives from so-called farm districts." "Neither party affiliation nor the agricultural traits of a representative's district will give a clear forecast of what his voting record will be on agricultural legislation." "The search for relatively easy answers and for a workable package of variables and the attempt to improve predictability together induce a sophisticated caution that there are other variables, so far unmeasured, at work."

### **Political Theory Problems Discussed**

The contemporary argument between behavioralists and traditionalists in the political science field is based, in part, upon a concern for the place of theory in a continuing study of politics. In the

midst of the controversy the protagonists often neglect to define fully the concept of theory from which their arguments are derived. The Bureau of Government Research of the University of Missouri has published a monograph, *Problems in Political Theory* (Columbia, 1961, 57 pages) in which Ralph M. Miwa, Jerzy Hauptmann and Mulford Q. Sibley discuss the variety of ideas and approaches which the word theory may connote.

In "Political Theory: Its Uses, Misuses and Abuses," Professor Miwa compares two major schools of political theorizing, the "explanatory or analytical" school concerned "mainly with existent institutions, which may be isolated and particular," and the "normative-ethical" school, devoted to "hard, reflective, searching inquiry into the problem of ends and goals."

Mulford Q. Sibley pursues the problem of differentiation among theorists in his article, "The Role of Political Theory in Political Education." While he designates three aspects of theory, the "scientific," the "normative" and the "legislative," the emphasis here is upon the dual role of the political scientist. He has "one foot in the empirical world—as the formulator of at least rough and ready scientific propositions," and yet he is in a "strategic position to discuss the value problem as seen in the political universe." He seeks to explain "what is" at the same time he is proposing "alternative value systems."

The third article, written by Jerzy Hauptmann, provides an example of the problems encountered when dealing with a broadly defined concept, in this case the "public interest." Professor Hauptmann's thesis is that the political scientist must leave the creation of new symbols to the "political philosopher" and address himself to the task of understanding the symbol of public interest and "of placing it where it belongs, not according to high-sounding words but according to the content."

DEBORAH ROSENFELD

# Books in Review

## *Corruption*

GOVERNMENT FOR SALE. A Glimpse at Waste and Corruption in the City of New York. Final Report of the Special Unit, New York State Commission of Investigation. The Unit, 386 Fourth Avenue, New York 16, July 1961. 40 pp.

S O S NEW YORK. A City in Distress and What Can Be Done About It. By Eric M. Javits. The Dial Press, 461 Park Avenue South, New York, 1961. xii, 177 pp. \$3.95.

The first publication is a brief mimeographed statement in which Whitney North Seymour, Jr., chief counsel of the Special Unit of the New York State Commission of Investigation, condenses the findings of his staff after surveying a few of New York City's departmental operations. It provides chapter and verse in support of its disclosures and the unit's problematical relationship with the Wagner administration, some of his department heads and his Department of Investigation, whose head denied, combatted and generally embarrassed the work of the commission and found excuses for not proceeding against a great many of the employees who, on the contrary, have been continued in office.

The author of the second publication is a nephew of New York's U. S. Senator Jacob K. Javits. In his opening chapters he assembles the specific mishaps and stumbles of the Wagner administration without, however, saying anything whatever about the considerable number of massive improvements and successful enterprises of the mayor's two administrations or the high grade of his top appointments and his considerable independence of partisan importunities.

The book assembles, on the whole, considerable sound information and restates the findings of the state commission but is strictly partisan in viewpoint.

R.S.C.

## *State, Local Government*

STATE AND LOCAL GOVERNMENTS—A Study in the Political Process. By Charles R. Adrian. McGraw-Hill Book Company, Inc., 330 West 42nd Street, New York 36, 1960. vii, 531 pp. \$7.50.

GOVERNING URBAN AMERICA (Second Edition). By Charles R. Adrian. McGraw-Hill Book Company, Inc., New York 36, 1961. vii, 508 pp. \$7.50.

Here are two lively, interestingly written textbooks concerned with the fields so long tilled by members of the National Municipal League. The author's approach is fresh and his style vivid and often witty. He is not so much concerned with a dry recital of legal and statistical facts about thousands of local governments as he is with giving an understanding of the motives and methods of those who for a variety of reasons seek to control and direct state and local government. Politics to him is not merely an activity that develops around election time but a matter that occupies the time and thought of amateurs and professionals 365 days a year as they seek their various goals.

As the titles indicate, one volume is designed for a course in state and local government, the other for a course in city government. Both volumes have chapters on such familiar subjects as the forms of government, elections, the executive, the legislative body, the legal relations of city and state, revenues and expenditures, and some of the main governmental functions. Each contains a thoughtful chapter on probable future trends.

One of the most valuable parts in each volume contains the author's views on government in metropolitan areas. His conclusions are of particular interest, because he has lived for many years in Michigan, one of the most metropolitan of states, and served recently as chairman of the Michigan Study Commission

on Metropolitan Area Problems, as a member of the governor's staff and also on a local planning commission.

Here, in *Governing Urban America*, is a part of his answer to the familiar question, why so little progress in better government for metropolitan areas?

"The value patterns of those who support plans for metropolitan supergovernments are not the dominant ones in the total community and the leaders of integration movements characteristically do not give adequate consideration to other values. . . .

"The reformers tend to forget that the symbols—efficiency, a bigger and better Zilchville and the like—that they respond to with enthusiasm ring no bells for the *hoi polloi*. . . . The ordinary citizen is characteristically apathetic. If water flows from the tap and the toilet flushes today, he is not likely to ask if it will do so tomorrow. Communicating a concept of future needs on a realistic basis is seldom done by groups organized to support metropolitan governmental reorganization. Furthermore, reformers tend to put their arguments on a theoretical plane, discussing efficiency ("We have sixteen different fire departments in the metropolitan area!") without translating it into concrete terms as it affects the ordinary citizen. Examples are often not made meaningful. It makes little impression on the suburbanite to be told that his police force is amateurish and inferior if, in practice, his community has little crime and the state police take care of the arterial highway traffic."

He concludes that "each device so far tried for the government of metropolitan areas either is basically unacceptable politically to groups powerful enough to block adoption or has proved to be inadequate as a solution." The reasons for the failure to create institutions of metropolitan government, he believes, are that "there is no consensus on goals and no acceptable governing group."

Both of these excellent volumes contain

numerous up-to-date bibliographical references and also indexes.

CHARLTON F. CHUTE  
Institute of Public Administration

### ***Taxation and Finance***

STATE AND LOCAL TAXATION OF PRIVATELY OWNED PROPERTY LOCATED ON FEDERAL AREAS. INTERGOVERNMENTAL CO-OPERATION IN TAX ADMINISTRATION. PERIODIC CONGRESSIONAL REASSESSMENT OF FEDERAL GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS. Advisory Commission on Intergovernmental Relations, Washington 25, D. C., 1961. 40, 25 and 72 pp., respectively.

The Advisory Commission on Intergovernmental Relations periodically singles out for study and recommendation particular problems whose amelioration would enhance cooperation among the different levels of government and would promote more efficient operation of our federal system. In June of this year, three reports were issued dealing with various phases of taxation and grants-in-aid.

State and local taxation of private property located on federally-owned land has the dual problem of the impairment of equal tax treatment of substantially similar properties, through tax exemption, and the nonequal treatment of residents of federal areas with respect to the services, privileges, etc., extended by local governments. While recommending that immunity from state and local taxation should be removed, the commission also presents a series of recommendations to make such action fair to the property owners involved.

The publication on cooperation in tax administration covers a series of actions that might be undertaken in the exchange of tax and related information between the states, a state-by-state analysis of information valuable to the federal government, a system of training tax personnel and the initiation of a program



whereby the Internal Revenue Service could perform statistical services for the states on a reimbursement basis.

The last of the three reports deals with the history and current trends of the grants-in-aid program, presenting an analysis of previous studies and discussing at length the difficulty of terminating or redirecting the grants. It concludes with the commission's recommendations.

W.J.D.B.

### **Local Government**

LOCAL GOVERNMENT IN THE UNITED STATES OF AMERICA. Martinus Nijhoff, 9 Lange Voorhout, The Hague, Netherlands, for the International Union of Local Authorities, 1961. 133 pp. 6 guilders.

Written for foreign authorities on municipal government, on subjects discussed at the World Conference of Local Authorities held in Washington, D. C., in June, this pamphlet sets forth a picture of the American local government system with due consideration of current realities. Chapter titles are: "Organization and structure of local government in the United States," "Mechanization and automation in local government," "Metropolitan areas," "Public relations as a function of local government in the United States," "Municipal personnel administration in the United States," and "Town affiliations: the U. S. experience."

### **Politics**

POLITICAL INFLUENCE. By Edward C. Banfield. The Free Press of Glencoe, 640 Fifth Avenue, New York 19, 1961. vii, 354 pp. \$6.00.

This study makes a unique attack on the way things get done in American cities in the areas which lie partly beyond the competence of the municipal government and involve the aid of an extensive consensus of various private leaders and groups. It is confined to

six major civic enterprises in Chicago and the efforts, not always successful, to accomplish certain major projects—the branch hospital, the welfare merger, the Fort Dearborn renewal project, etc.

It constitutes a sound and richly documented series of narratives characteristic of the whole American scene from coast to coast, studied, however, for the purpose of careful analysis of the methodology.

R.S.C.

## **Additional Books And Pamphlets**

(See also *Researcher's Digest* and other departments)

### **Assessments**

VIEWPOINTS ON ASSESSMENT STANDARDS. *Tax Policy*, Tax Institute, Inc., 457 Nassau Street, Princeton, New Jersey, May-June 1961. 16 pp. 50 cents.

### **Corruption**

REPORT ON NEW YORK CITY MAINTENANCE CONTRACTS. Special Unit, New York State Commission of Investigation, 270 Broadway, New York 7, June 1961. 49 pp.

### **Council-Manager Plan**

QUESTIONS AND ANSWERS—about the Council-Manager Plan and the City Manager Profession. International City Managers' Association, 1313 East 60th Street, Chicago 37, 1961. 12 pp. 10 cents. (Discounts on quantity orders.)

### **County Government**

GASTON COUNTY—Its Government, Organization, Activities and Administration—1960. Office of County Manager, Gastonia, North Carolina, 1960. 33 pp. Illus.

### **Discrimination**

REPORT ON THE ADMINISTRATIVE PROVISIONS OF NEW YORK CITY'S MODEL FAIR HOUSING PRACTICES LAW. Com-

mittee on Civil Rights, New York County Lawyers Association, 14 Vesey Street, New York, 1961. 12 pp.

### ***Downtown Areas***

A REPORT AND SKETCH PLAN FOR THE REVITALIZATION OF DOWNTOWN WASHINGTON, D. C. Assumptions and Findings: Basis for a Sketch Plan for Downtown Washington. The Sketch Plan: Objectives and Views of a Revitalized Downtown Washington. Downtown Progress, National Capital Downtown Committee, Inc., 711 Fourteenth Street, Washington 5, D. C., January 1961. 13 pp. each. Illus. \$3.00.

### ***Education***

REVENUE PROGRAMS FOR THE PUBLIC SCHOOLS IN THE UNITED STATES, 1959-60. By Albert R. Munse. Office of Education, U. S. Department of Health, Education and Welfare, Washington 25, D. C., 1961. 86 pp. 55 cents. (Apply Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.)

### ***Fire***

FIRE GRADING AND RATING. Final Report of the Assembly Interim Committee on Municipal and County Government. Assembly of the State of California, Sacramento, 1961. 38 pp.

### ***Grants-in-Aid***

MODIFICATION OF FEDERAL GRANTS-IN-AID FOR PUBLIC HEALTH SERVICES. Advisory Commission on Intergovernmental Relations, Washington 25, D. C., January 1961. 50 pp.

### ***Electronic Data Processing***

SIGNIFICANCE OF ELECTRONIC DATA PROCESSING IN INCOME TAX ADMINISTRATION. By Bertrand M. Harding. *Tax Policy*, Tax Institute, Inc., 457 Nassau Street, Princeton, New Jersey, April 1961. 8 pp. 25 cents.

### ***Intergovernmental Cooperation***

INTERGOVERNMENTAL COOPERATION THROUGH MUNICIPAL ASSOCIATIONS. An Examination of the Municipal League Movement in the United States and Its Significance for Connecticut Municipalities. By Rosaline Levenson. Institute of Public Service, University of Connecticut, Storrs, June 1961. 25 pp.

### ***Law of Arrest***

THE LAW OF ARREST. (Second Edition.) By Roy G. Hall, Jr. Institute of Government, University of North Carolina, Chapel Hill, 1961. x, 169 pp. \$2.00.

### ***Land Use***

I. HOW CHANGING TAX LAWS AFFECT LAND DEVELOPMENT. By A. M. Woodruff. II. IMPACT AND ACCOMPLISHMENTS, ULI PANEL STUDIES. By Boyd T. Barnard. *Urban Land*, Urban Land Institute, 1200 Eighteenth Street, N.W., Washington 6, D. C., June 1961. 11 pp. \$1.00.

### ***Metropolitan Areas***

METROPOLIS 1985—Its Meaning to Business. A Report of 40 Business Executives: Planning for the New York Metropolitan Region. Arden House, Harriman, New York, March 1, 1961. Regional Plan Association, 230 West 41st Street, New York 36, 1961. 24 pp. Illus.

METROPOLIS U. S. A. A series of articles by Philip M. Hauser, Albert Rose, Irving Hand, Mel Jerome Ravitz and Perry L. Norton. Reprinted from *The City Church*, National Council of Churches, 475 Riverside Drive, New York 27, 1960. 20 pp. 60 cents.

### ***Municipal Government***

A BIBLIOGRAPHY OF BLOOMINGTON, INDIANA—ALL-AMERICA CITY. Bureau of Government Research, Indiana University, Box 70, Bloomington, May 1961. 20 pp.

CITY PROBLEMS OF 1961. The Annual

Proceedings of the United States Conference of Mayors. Edited by Harry R. Betters. The Conference, 1707 H Street, N. W., Washington 6, D. C., 1961. 149 pp. \$2.50.

GOVERNMENT IN GRANITE CITY. A Reorganization and Operations Study. By Seymour Z. Mann, Arthur S. Johnson and Gary R. Roberts. Metropolitan Affairs Program, Southern Illinois University, Southwestern Illinois Campus, Edwardsville, 1961. iv, 218 pp. Tables, charts. \$1.25.

### **Municipal Law**

THE RELATION BETWEEN INTERNATIONAL LAW AND MUNICIPAL LAW IN THE NETHERLANDS AND IN THE UNITED STATES. A Comparative Study. By L. Erades and Wesley L. Gould. Oceana Publications, Inc., 80 Fourth Avenue, New York 3, 1961. 510 pp. \$11.

### **Nominations**

CONVENTION DECISIONS AND VOTING RECORDS. By Richard C. Bain. The Brookings Institution, 1775 Massachusetts Avenue, N. W., Washington 6, D. C., 1960. xi, 440 pp. \$6.75.

### **Parks**

METROPOLITAN PARKS—AN INITIAL INVESTIGATION. By Clement D. Springer, Bruce W. McCartney and Robert C. Einsweiler. Twin Cities Metropolitan Planning Commission, Griggs-Midway Building, St. Paul 4, April 1961. 29 pp. Illus., charts.

### **Population**

THE IMPACT OF THE 1960 DECENNIAL CENSUS UPON POPULATION CLASSIFICATION LAWS IN TEXAS. By Millard H. Ruud. Institute of Public Affairs, University of Texas, Austin, 1961. v. p.

KEY POPULATION CHANGES IN THE NEW JERSEY-NEW YORK-CONNECTICUT METROPOLITAN REGION. Regional Plan Association, 230 West 41st Street, New

York 36, 1961. 24 pp. Maps, tables, charts. \$4.00.

### **Public Administration**

BASIC ISSUES IN PUBLIC ADMINISTRATION. Edited by Donald C. Rowat. The Macmillan Company, 60 Fifth Avenue, New York 11, 1961. xv, 500 pp. \$5.95.

### **Public Authorities**

FINAL REPORT ON THE FEASIBILITY OF A REGIONAL AGENCY TO COORDINATE TRANSPORTATION FACILITIES SERVING THE PEOPLE OF A NINE-COUNTY METROPOLITAN REGION WITH RECOMMENDATIONS FOR A GOLDEN GATE TRANSPORTATION COMMISSION FOR THE SAN FRANCISCO BAY AREA. Submitted to the California State Legislature on February 1, 1961. Golden Gate Authority Commission, 721 Flood Building, San Francisco 2, 1961. 24 pp. Illus.

### **Public Employees**

EMPLOYEE PERFORMANCE APPRAISAL RE-EXAMINED. By Clifford E. Jurgensen, Felix M. Lopez, Jr., and Kenneth E. Richards. Public Personnel Association, 1313 East 60th Street, Chicago 37, 1961. 31 pp. \$2.50.

### **Public Welfare**

CARE OF THE CHRONICALLY ILL AND DISABLED AGED. By Mildred D. Kosaki. Legislative Reference Bureau, University of Hawaii, Honolulu, April 1961. 47 pp. Tables. \$1.00.

INDIGENT MEDICAL CARE SERVICES FOR TEXAS PUBLIC ASSISTANCE RECIPIENTS. Texas Research League, 403 East 15th Street, Austin, February 1961. 67 pp. \$1.00.

### **Salaries**

WAGES, SALARIES AND FRINGE BENEFITS IN COLORADO CITIES AND TOWNS. 1961 Supplement to 1960 Bulletin. Colorado Municipal League, 2300 Broadway, Boulder, July 1961. 20 pp. Tables, chart. \$2.00.

### **Special Districts**

THE FUNCTION AND FINANCES OF SPECIAL DISTRICTS IN RURAL AREAS. By Clarence J. Hein. Reprinted from *Agricultural Finance Review*, September 1960. Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., 1960. 19 pp. Tables.

### **State and Local Government**

CASES IN STATE AND LOCAL GOVERNMENT. Edited by Richard T. Frost. Prentice-Hall, Inc. Englewood Cliffs, New Jersey, 1961. xii, 362 pp. \$3.95.

### **Taxation and Finance**

COMMONWEALTH OF PENNSYLVANIA, LOCAL GOVERNMENT FINANCIAL STATISTICS, 1959. Counties, Institution Districts, Cities, Boroughs, Townships. Division of Local Government Financial Statistics, Bureau of Municipal Affairs, State Department of Internal Affairs, Harrisburg, 1961. iv, 479 pp.

COUNTY REVENUES AND EXPENDITURES IN MISSISSIPPI, 1958. By Gordon K. Bryan. Social Science Research Center, Mississippi State University, State College, April 1961. 58 pp.

LOCAL GOVERNMENT FINANCES AND EMPLOYMENT IN RELATION TO POPULATION: 1957. Governments Division, Bureau of the Census, U. S. Department of Commerce, Washington 25, D. C., 1961. x, 259 pp. \$1.25. (Apply Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.)

### **Tort Liability**

MUNICIPAL TORT LIABILITY IN COLORADO. By John C. Banks. Colorado Municipal League, 2300 Broadway, Boulder, 1961. 17 pp. \$3.00.

### **Traffic Safety**

BUILDING TRAFFIC SAFETY INTO RESIDENTIAL DEVELOPMENTS. (Second Edition.) *Urban Land*, 1200 Eighteenth Street, N. W., Washington 6, D. C., July-August 1961. 13 pp. Illus. \$1.00.

### **Transportation**

INTERGOVERNMENTAL RESPONSIBILITIES FOR MASS TRANSPORTATION FACILITIES AND SERVICES IN METROPOLITAN AREAS. Advisory Commission on Intergovernmental Relations, Washington 25, D. C., April 1961. 59 pp.

SAFEGUARDING AMERICA—A PROGRAM FOR HIGHWAY TRANSPORTATION OF EXTRA HAZARDOUS MATERIALS. National Board of Fire Underwriters, 85 John Street, New York 38, 1961. 12 pp.

SOME ECONOMIC EFFECTS OF THE LEXINGTON NORTHERN BELT LINE. Prepared for the Kentucky Department of Highways in cooperation with the Bureau of Public Roads, U. S. Department of Commerce. Bureau of Business Research, University of Kentucky, Lexington, 1960. vii, 143 pp. Illus., tables, maps, charts.

### **NEW URBAN CHALLENGE**

(Continued from page 484)

conflicts and disparities worked out and administrative cooperation secured. By and large, these goals can be accomplished for a metropolitan region by the local officials themselves, once they establish a new working context and develop a new point of view. Metropolitan problems and the problems of intergovernmental relations that compound them are far from insuperable—and they need not be solved exclusively from either the state capital or from Washington—if local administrators in other metropolitan areas avail themselves of the kind of self-help which has proved its worth in the giant metropolitan areas of Detroit, Washington and New York, and more recently in San Francisco. These areas have made the challenge—will other accept it? This is perhaps the greatest problem metropolitan areas face today.

## Conference Workshops

*(Continued from page 461)*

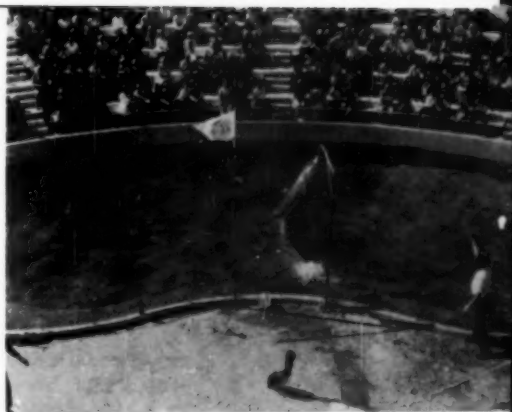
ture programs and development, paying the bill, providing adequate personnel to do the job. Workshops will be addressed to each of these matters.

The opening presentations for these sessions will be: for metropolitan planning, C. David Loeks, director, Twin Cities (Minneapolis-St. Paul) Metropolitan Planning Commission; for the finance workshop, Dick Netzer, economic consultant for the New York Regional Plan Association and former assistant vice president, Federal Reserve Bank of Chicago; for the manpower session, a member of the staff of the Municipal Manpower Commission.

A new approach to problems of the larger and more complex metropolitan areas has been establishment of "metropolitan councils" or associations of local government, both municipalities and counties. Victor Jones, professor of political science at the University of California, will keynote a workshop evaluating the problems and prospects of this approach.

Citizen participation in local government having always been given particular attention at the League's Conferences, two workshops at Miami Beach will explore two types of citizen participation. George H. Deming, director of the Conference on Metropolitan Area Problems, will lead the workshop on citizen organizations and metropolitan problems. Another workshop will consider the role of official citizen advisory boards.

John E. Bebout, director of the Urban Studies Center at Rutgers University, will conduct the workshop on urban research and technical assistance, which will consider programs in universities designed to aid citizens and



Among the many Miami area attractions which may be seen by those attending the National Conference on Government is the Sesquiurium, the largest marine aquarium in the world. From the playful porpoises to the vicious sharks, there is a wide variety of marine life on display, with undersea conditions simulated in this attraction's 55 acres.

officials in their approach to urban problems.

The workshops will be chaired by officers and other leaders in the League who have been actively involved in dealing with the particular problem under consideration. Panels of discussants assembled for each of the workshops include persons with a wide variety of backgrounds as public officials, civic leaders, scholars and researchers.

## Post Conference Tours Offered Delegates

Those attending the National Conference on Government will have an opportunity to go on tours to the Bahamas or to Puerto Rico and the Virgin Islands, both starting the afternoon of December 2.

The Bahamas trip takes three days and the Puerto Rico-Virgin Islands trip five days. Both leave from the Miami airport.

A descriptive folder on these trips, which range in cost from \$92 to \$285 per person, may be obtained by writing Tours, National Municipal League, 47 East 68th Street, New York 21.

## Author of League History Retires

Frank Mann Stewart, author of *A Half Century of Municipal Reform: The History of the National Municipal League*, retired July 1 as professor of political science at the University of California, Los Angeles, after 45 years of teaching at the University of Texas and in California.

In addition to the history which covered the League's activities and accomplishments from 1894 to 1943, Dr. Stewart was author of a history of the National Civil Service League and of other volumes.

His many years of activities in connection with government included service as executive secretary of the League of Texas Municipalities, member of the Commission on Government Simplification of Los Angeles County, Citizens Committee on Governmental Reorganization of Los Angeles City, chairman of the Los Angeles Charter Commission, and president of the Western Governmental Research Association.

## Paine, Pioneer In NML, Dies at 96

Robert Treat Paine, an early leader in the development of the National Municipal League's program for the improvement of government and a descendant of Robert Treat Paine, a signer of the Declaration of Independence, died August 19 at his home in Waltham, Massachusetts, at the age of 96.

Mr. Paine served at various times as vice president and member of the League's Council and also on League committees on municipal reference libraries, municipal program (which developed the forerunner of the *Model City Charter*) and municipal franchises.

He was a founding member of the Proportional Representation League in 1893 and served on the Advisory Council of that organization since 1914. He was a member of the Boston School Board from 1901 to 1904. He was the author of many articles on public problems.

## Monroe, League Officer, Dead

J. Raburn Monroe, New Orleans attorney and civic leader and regional vice president of the National Municipal League, died suddenly August 17 at the age of 52.

Senior partner in the law firm of Monroe and Lehmann, Mr. Monroe had many civic and charitable interests, including the Bureau of Governmental Research of New Orleans, various child improvement organizations, the New Orleans Civic Symphony and others.

He had served as special assistant to the Undersecretary of the Treasury, as counsel to the Tennessee Valley Authority, as chairman of the Governor's Committee on Legislation and Reorganization, as a member of the Citizens Planning Committee for Public Education, and in other capacities with charitable organizations.



Frank Mann Stewart



J. Raburn Monroe



# 10

**NEW  
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An unprecedented demand has exhausted copies of the NATIONAL CIVIC REVIEW for the months listed above. The League will be glad to pay 25 cents per copy for the return of these issues.

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